



Planning Commission MEETING AGENDA

Thursday, November 21, 2024 - 1:00 PM
Council Chambers, Easton Town Office
14 S Harrison Street

1. Call to Order

2. Approval of Minutes

- a. Approval of the Draft Decision Summary from the October 17, 2024 meeting.

3. Old Business

- a. **Application Number:** 2024 - 1335
Applicant: Lane Engineering LLC
Location: 29311 Cecil Drive - Austin Medical Supplies
Tax Map 0025, Grid 0024, Parcel 0089, Lot 4
Zoning District: CL
Request: Request to allow the temporary placement of a 40' x 8' storage container at 29311 Cecil Drive.
- b. **Application Number:** 2021 - 0473
Applicant: Armistead, Lee, Rust & Wright, P.A.
c/o Zachary A. Smith, Esq.
Location: 29659 Matthewstown Road - Gannon Range
Tax Map 0026, Grid 0020, Parcel 0045
Zoning District: PUD with a base zoning district of A-1
Request: **The request for architectural approval pursuant to Ordinance No. 773 has been withdrawn from the November 21, 2024 Planning Commission agenda.**

4. New Business

- a. **Application Number:** 2024 - 1303
Applicant: Naima Ventures LLC
Location: 605 South Street
Tax Map 0105, Grid 0000, Parcel 1632

Current Zoning District:
Proposed Zoning District:
Request:

R-7A
CB
Zoning Amendment request pursuant to Section 28-1404.A of the Town of Easton Zoning Ordinance for the zoning reclassification of 0.327 acres of property located at 605 South Street, also known as Tax Map 0105, Grid 0000, Parcel 1632 from Residential zoning district (R-7A) to Commercial Business zoning district (CB).

b. Application Number:
Applicant:
Location:

2024 - 1328
Town of Easton
305 South Street
Tax Map 0104, Grid 0000, Parcel 1589
R-7A

Zoning District:
Request:

The Planned Redevelopment (PR) Overlay application for side and rear yard setback relief has been withdrawn from the November 21, 2024 Planning Commission agenda.

c. Applicant:
Request:

Town of Easton
Recommendation to the Town Council for a draft Inclusionary Zoning Ordinance to require developers to include a certain percentage of residential dwelling units as affordable housing; for those households earning up to 100% of the Area Median Income for ownership housing and for those households earning up to 60% of the Area Median Income for rental housing.

d. Applicant:
Request:

Town of Easton
Recommendation to the Town Council for potential Subdivision and Zoning Code Amendments.

e. Applicant:
Request:

Town of Easton
Recommendation to the Town Council on the naming and dedication of the Easton Volunteer Fire Department training facility. The A.James Clark Emergency Services Training Campus,

and the Preston Automotive Group Building shall be dedicated in gratitude to the A. James Clark and Alice B. Clark Foundation and Preston Automotive Group for their significant contribution to the Easton Volunteer Fire Department and the Town of Easton.

5. Discussion Item

- a. Continued discussion of the Comprehensive Plan Update.

6. Adjournment



**Town of Easton Planning Commission
Draft Decision Summary**

Thursday, October 17, 2024 at 1:00 p.m.

Town Hall Chamber 2

14 S. Harrison Street, Easton, Maryland

Archived video of the meeting is available at:

[Town of Easton Agendas and Minutes](https://www.eastonmd.gov/Agendas/Agendas%20and%20Minutes)
[\(eastonmd.gov\)](https://www.eastonmd.gov/)

Attendance:

Commission Members:

Philip Toussaint, Chairperson
Michael Ports, Vice Chairperson
Tom Klein
Victoria McAndrews
William Ryall

Staff:

Miguel Salinas, Planning and Zoning Director
Lynn B. Thomas, Town Planner
Joseph Mayer, Plan Reviewer
Nicholas Johnson, Planner
Sharon Van Emburgh, Esq. Town Attorney
Rick Van Emburgh, Town Engineer
Sierra Clem, Engineering Technician
Samantha Smith, Administrative Specialist

1. Call to Order — Chairperson Toussaint called the meeting to order at 1:00 pm.

2. Decision Summary Review —

a. September 19, 2024 - The Commission noted the following corrections to the draft decision summary:

- i. Addition of missing comma to roll call votes
- ii. Item 4: Revise description to reflect verbatim language.

Commissioner Klein moved to approve the September 19, 2024 Decision Summary with amendments. Chairperson Toussaint seconded the motion.

<u>Vote</u>	<u>5 - 0</u>
FOR:	5 - Toussaint, Ports, Klein, McAndrews, Ryall
AGAINST:	0
ABSTAIN:	0
ABSENT:	0

52
53
54 **3. Old Business**
55

- 56 **a. File No.:** **2021 - 0473**
57 **Applicant:** **Armistead, Lee, Rust & Wright, P.A.**
58 **% Zachary A. Smith, Esq.**
59 **Location:** 29659 Matthewstown Road, Easton, MD 21601
60 Tax Map 0026, Grid 0020, Parcel 0045
61 **Zoning:** PUD with a base zoning district of A-1
62 **Request:** The Applicant is seeking architectural approval for the addition of
63 six (6) proposed house models pursuant to a previously approved Planned Unit
64 Development (PUD) site plan for the development of the Gannon Range
65 Community (Ordinance No. 773).
66

67 **Background:** On February 21, 2022, the Town Council approved Ordinance No.
68 773, granting the application for a PUD under the provisions of the Easton Zoning
69 Ordinance, effective March 13, 2022. Condition No. 7 in Section E of the Finding
70 of Fact stipulates that the Applicant should provide a greater variation of
71 architectural styles than what was provided in the PUD application to which shall
72 be subject to the approval of the Easton Planning and Zoning Commission.
73

74 On February 5, 2024, the Town Council approved Ordinance No. 803, revising
75 the language of Chapter 28 which governs that a PUD approval shall now lapse at
76 three (3) years if no action is taken by the owner or developer to start or cease
77 construction between phases. On February 15, 2024, the Town of Easton Planning
78 Commission reviewed an extension request for the previously approved PUD for
79 the development of a mixed-use subdivision pursuant to Ordinance No. 773. The
80 Commission voted unanimously to grant the PUD extension through December
81 31, 2024.
82

83 **Staff Presentation:**

84 Joseph Mayer, Plan Reviewer
85 Lynn Thomas, Town Planner
86 Miguel Salinas, Director of Planning and Zoning
87 Sharon Van Emburgh, Esq. Town Attorney
88 Rick Van Emburgh, Town Engineer
89

90 **Applicant Presentation:**

91 Zachary A. Smith, Esq. Armistead, Lee, Rust & Wright. P.A.
92 Jay Heilman III, D.R. Horton
93

94 **Public Comment** — None

95 **Public Comment Written** — None
96

Commissioner Ryall moved to table the application pending the submission of additional architectural products that provide a greater variety in the home design including side-load garages, driveway options, and an enhanced variation of architectural styles. Commissioner McAndrews seconded the motion.

Vote	5 - 0
FOR:	5 - Toussaint, Ports, Klein, McAndrews, Ryall
AGAINST:	0
ABSTAIN:	0
ABSENT:	0

b. File No.: 2024 - 1261

Applicant: Rauch Inc.

Location: 410 Needwood Avenue, Easton, MD 21601
Tax Map 0105, Grid 00EA, Parcel 2226

Zoning: BC

Request: The Applicant is seeking Sketch Site Plan approval for the construction of sixteen (16) 3-story townhomes, and twelve (12) 2-story townhomes with associated parking, stormwater management and landscaping. Other site improvements include the demolition of the existing abandoned silos, storage buildings, and a gravel road on the property; and the installation of a split-rail fence in the bufferyard along the Town's "Rails-to-Trails" path system. The Applicant is also seeking a landscape and buffering waiver from Chapter 28-1017.E.5(c)1-3 of the Zoning Code.

Background: On September 19, 2024 the Town of Easton Planning Commission voted 3 - 0 to table the application pending the submission of a Traffic Impact Analysis, and the submission of a revised site plan exhibiting the removal of the proposed western facing fence. The Applicant has now returned with a site plan that instead reflects a split-rail fence along the western side of the property, and the addition of a walking trail through the site that connects South Higgins Street and the "Rails-to-Trails" path system. The requested Traffic Impact Study was submitted to the Engineering Department on October 9, 2024. In the staff report dated October 16, 2024, the Engineering Department deemed the Traffic Impact Analysis as acceptable.

Staff recommends the following condition:

1. The Traffic Impact Study (TIS) shall be approved by the Town Engineer with the study demonstrating that the project will operate at an adequate Level of Service.

Staff Presentation:

Joseph Mayer, Plan Reviewer

Miguel Salinas, Director of Planning and Zoning

Applicant Presentation:
Ross Bennecia, Chesapeake Community Development
Zachary A. Smith, *Esq.* Armistead, Lee, Rust & Wright. P.A.
Virginia Richardson, Rauch Inc.
Nick Driban, Lenhart Traffic Consulting, Inc.

Public Comment:
Matthew Carberry
Maureen Nuttle, 310 S. Aurora Street
Joan Leanos, 634 Dover Road
Thomas Ledvina, 7585 Pollys Hill Lane
Maury Schlesinger, 304 Winton Avenue

Public Comment Written:
Michelle Maclay
Thomas Ledvina, 7585 Pollys Hill Lane
Maury Schlesinger, 304 Winton Avenue

Vice Chairperson Ports moved to approve the revised Sketch Site Plan subject to the following conditions:

- 1. The Traffic Impact Study (TIS) shall be approved by the Town Engineer with the study demonstrating that the project will operate at an adequate Level of Service.**
- 2. The Applicant shall utilize Maryland Avenue as ingress and egress access for all construction purposes.**
- 3. The Applicant shall provide additional landscape screening for all HVAC and utility units.**

Chairperson Toussaint seconded the motion.

<u>Vote</u>	<u>5 - 0</u>
FOR:	5 - Toussaint, Ports, Klein, McAndrews, Ryall
AGAINST:	0
ABSTAIN:	0
ABSENT:	0

- 4. New Business — None**
- 5. Recess —** Chairperson Toussaint called for a brief recess at 3:00 p.m. The meeting was called to Order at 3:10 p.m.

189
190 **6. Discussion Items**
191

192 **a.** The Commission held a brief discussion regarding ongoing traffic concerns, and
193 considered strategic traffic control measures to improve traffic within different
194 zoning districts in the Town. Mr. Rick Van Emburgh advised that an upcoming
195 Townwide traffic study to be conducted will also take into consideration the
196 future development of these areas. The Town of Easton Engineering Department
197 is anticipated to host an informational meeting for the upcoming traffic study.
198 Further details for the kickoff event will be published at a later time.
199

200 **b.** Continued discussion of the Zoning and Subdivision Text Amendments — At
201 their May 16, 2024 meeting, the Commission began to revise the following
202 proposed Amendments to the Zoning Code:
203

- 204 i. Donation Centers
205 ii. Single Family Home Criteria
206 iii. Revised Internal Illumination Standards for Signage
207 iv. Site Triangle Distance
208 v. Minimum Parking Space Requirements
209 vi. Parking Space Dimensions
210 vii. Article 12: Non-conformities
211 viii. Fuel Price Regulations for Freestanding Signs
212 ix. Driveway Materials (Impervious Surfaces)
213 x. Corrections to the Zoning Map
214 xi. MXW Standards
215 xii. Food Trucks
216 xiii. Parking Standards
217 xiv. Sheds
218 xv. Swimming Pools and Patios
219 xvi. Restaurant Use Types
220 vii. Removal of Parking Districts and “Tree of Heaven” language
221

222 At their August meeting, the Commission finalized the language for all signage
223 regulations including fuel price regulations on freestanding signs. The
224 Commission expanded the definitions for Donation Bins and Donation Centers,
225 and an in depth discussion was held as to the appropriate placement for the
226 Supplemental Standards for Single Family Detached homes. The Commission
227 continued their deliberation into the remaining Zoning Code Amendments to be
228 revised.
229

230 In their review of acceptable driveway and parking materials in Section 28-
231 1001.2, the Commission favored language that detailed a specific breakdown of
232 material types, and where the material types may be permitted. In the language for
233 semi-pervious materials for residential driveways, the Commission struck the
234 language for parking spaces that exceeded the maximum parking requirement

subject to an approved Parking Waiver.

The Commission favored expanding the circumstances in which Mobile Food Uses are permitted. This included allowing them in the CG Zoning District and removing the requirement that the Mobile Food Use maintain a connection (use and ownership) with the property on which it is located. The Commission also indicated that they wished to continue to allow Mobile Food Uses that are associated with a special event; and any approval, extension or renewal of a permit on a long-term basis (**more than five years**) shall require Planning Commission approval. The Commission sought feedback from the Town of Easton Health Department and the Easton Economic Development Corporation in determining potential impacts for permanent Mobile Food Uses.

The Commission favored the clarifying language for exceptions to setback requirements as presented, and the proposed Subdivision Amendment language in Section 28-1006 as presented. The parking standard language for single-family detached houses was expanded in Section 28-1001.2.J to include optional off-street parking requirements; and clarifying language was added to Section 28-1001.2.D to specify street types onto which parked vehicles could and could not back directly into. The Commission is anticipated to review a final draft of the proposed revisions at their November 21, 2024 meeting, and to make a formal recommendation of the potential Subdivision and Zoning Code Amendments to the Town Council.

- c. Continued discussion of the Comprehensive Plan Update — Mr. Miguel Salinas provided an update on the ongoing efforts to update the current Comprehensive Plan. An initial draft of Six (6) chapters of the Plan including: *Municipal Growth, Historic Preservation, Sensitive Areas, Water Resources, Parks, Rec & Open Space, and Sustainability* will be forwarded to the Commission for internal review. Draft versions of the *Housing* chapter and the *Implementation* chapter are anticipated to be reviewed by the Commission at a subsequent meeting.
- d. Announcements — Mr. Salinas shared a few related announcements and project updates. Mr. Salinas provided an update on the ongoing efforts of the Attainable Housing Task Force to introduce an Inclusionary Zoning Ordinance. At their October 10, 2024 meeting, the task force organized their final strategies for the draft Ordinance, and will provide a formal recommendation of these strategies to the Commission for their review. Mr. Salinas also provided an update on the ongoing efforts to revitalize the East End Small Area Plan. The East End Small Area Project is an effort to update the existing East End Housing and Neighborhood Revitalization Plan approved by the Town of Easton in September 1997. A 5-day design Charrette will be held at the Easton Church of God - Family Life Center at 1009 N. Washington Street from October 24th through October 28th in a collaborative effort to generate ideas, solve problems, and develop creative solutions and improvements to be included in the East End Small Area Plan.

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- 6. Adjournment** — Chairperson Toussaint moved to adjourn. Vice Chairperson Ports seconded the motion. The meeting was adjourned at 4:33 p.m.



TOWN OF EASTON
PLANNING & ZONING
14 S Harrison Street, Easton MD 21601

Date of Meeting: November 21, 2024

3a

**PLANNING COMMISSION
SUPPLEMENTAL ITEM**

SUBJECT: Request for temporary use of a storage container at
29311 Cecil Drive - Austin Medical Supplies

ELECTION WARD: Ward 2

CRITICAL ACTION DATE: At the pleasure of the Commission

STAFF CONTACTS: Joseph Mayer, Plan Reviewer
Miguel Salinas, Director of Planning and Zoning

DOCUMENT CREATED ON: November 4, 2024

PURPOSE: The applicant is requesting an existing 40'x 8' portable on demand storage (POD) to remain on-site for a long term temporary basis; possibly five (5) years or until the issuance of an occupancy permit for phase two.

RECOMMENDATIONS:

Planning Commission: On August 17, 2023, the Town of Easton Planning Commission reviewed a Sketch Site Plan for approval for the construction of a 2,334 square foot building addition with storage space. The Commission voted 5-0 to approve the Sketch Site Plan with the following condition; in the event that the Limit of Disturbance exceeds 5,000 square feet during construction, the applicant shall address all stormwater management procedures.

Staff: Staff supports a Planning Commission approval with a condition (see below).

UPDATE: The applicant has completed all construction on site for phase one and obtained a Certificate of Occupancy on May 17, 2024 from the Town of Easton Building Inspection Division.

ISSUES: There are no outstanding issues.

ZONING ANALYSIS:

28-1007.4.A MISCELLANEOUS USE

5. Portable On-Demand Storage (PODS)

- a. May not remain on-site for more than thirty (30) days.*
- b. Shall meet applicable setbacks.*
- c. The thirty (30) day time limit may be extended for an additional thirty (30) day period by the Town Planner, upon request of the applicant, for good cause. **PODS utilized as part of a longer term temporary use or construction project may be considered and approved by the Planning and Zoning Commission** in the course of the necessary approvals for said project.*

Analysis- Per the Section of the Zoning Code cited above, the Commission is charged with reviewing and approving the duration of temporary use for the POD, if it is desired to remain for more than 60 days. The existing POD is well within the building setbacks. Any relocation of the POD on-site to accommodate construction is applicable, provided the POD is within the building setbacks. In order to facilitate the staging of supplies, the long term use is necessary to coincide with the progress of the phase two construction site.

RECOMMENDED CONDITION:

Staff recommends the Planning Commission approve the request with the following condition:

- Establish a time limit to remain through November 21, 2026 and prior to the two year limit, the applicant may return to the Planning Commission seeking a renewal of the temporary use..

DRAFT MOTIONS:

1. I move that the Planning Commission approve the request subject to staff's Conditions of Approval.

OR

2. I move that the Planning Commission table the application to the December 19th Commission meeting for further discussion.

OR

3. I move an alternate motion.

ATTACHMENTS:

1. 2023.08.17 TOE Staff Report - Austin Medical, paper copy & PDF
2. 2024.10.28-PC Application, paper copy & PDF
3. 2024.10.28-TempStorageContainer-AustinMedical, paper copy & PDF



Town of Easton
Engineering, Planning and Zoning
14 South Harrison Street, Easton, MD 21601

RECEIVED
OCT 28 2024
TOWN OF EASTON

Planning Commission Concept, Use, and Design Application

Site Information			
Structure's Floor Area	N/A	Structure's Square Feet	320sf
Area of Disturbance	N/A	Number of Dwelling Units	N/A
Property Size	Acres 3.48	Square Feet	151,588
Address	29311 Cecil Drive Easton		
Tax Map	25	Grid	24 Parcel 89 Lot 4
Zoning District	Historic District Y ☐ N ☒ PRD Y ☐ N ☒		
Other Information			
Existing Use	Austin medical		
Owner			
Name	Austin Medical Supplies		
Mailing Address	10757 York Rd. Cockeysville Md 21030		
Telephone No.	410-241-6009	Email	austinx82@aol.com
Applicant / Agent			
Name	Donna Wolk - Tim Glass, Lane Engineering LLC		
Mailing Address	same		
Telephone No.	same	Email	same - tglass@leinc.com
General Information:			
Temporary storage container use.			

Any modifications during review shall warrant an updated application.

I do hereby solemnly declare and affirm that the information provided by this application and the documents attached hereto accurately represent the conditions of the request and that submission of an incomplete application will be returned for correction prior to processing.

Signature of Applicant or Agent

Date

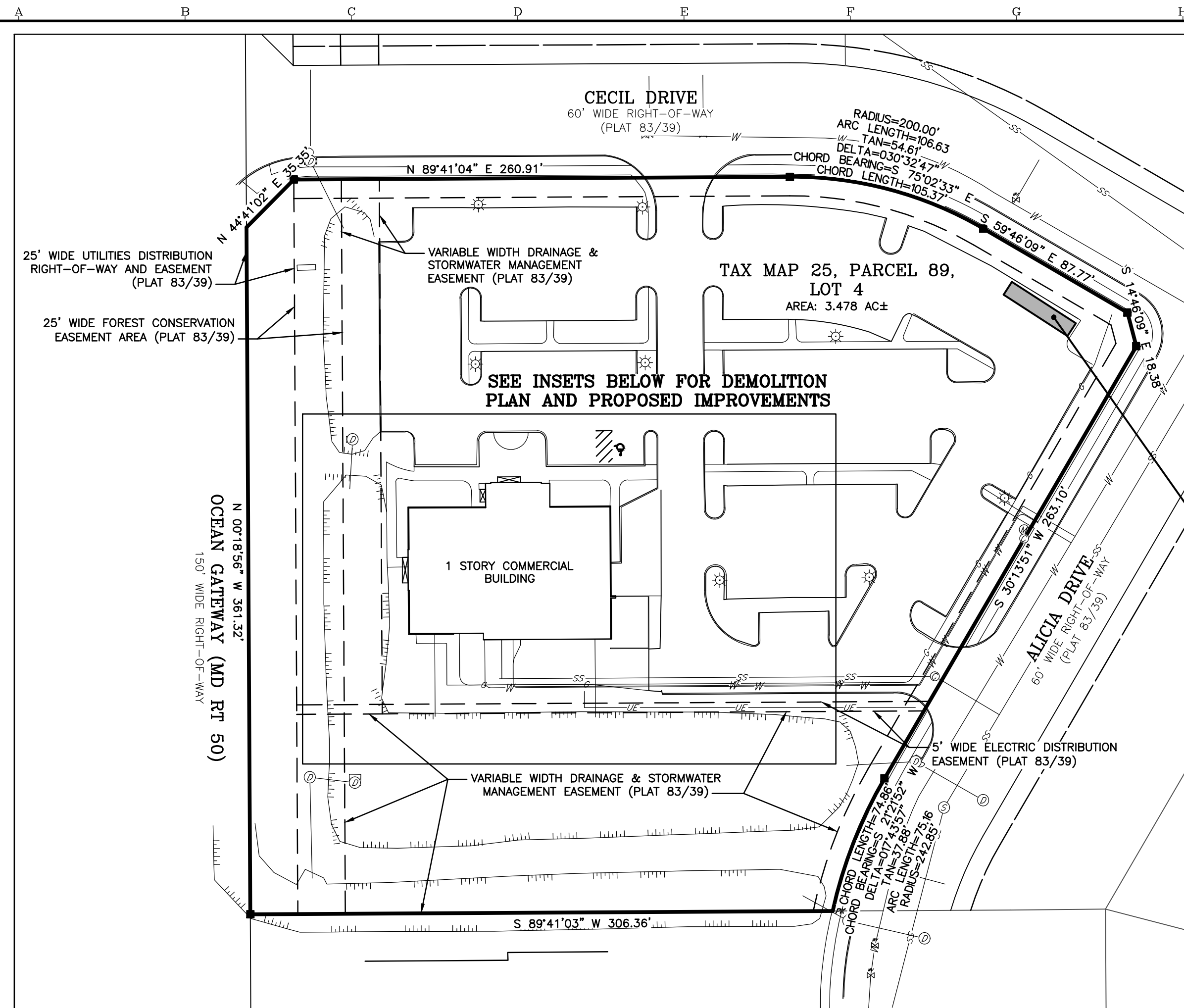
Printed Name of Applicant or Agent

[Signature]
10.28.24
Tim Glass

For Office Use Only

Planned Commission Meeting Date	11/21/2024
Review Fee Amount	\$250.00
Review Fee Paid Date	11/08/2024
ESDR Y / N Date	-
2024 - 1335	

Revised 02-2019



SITE NOTES

1. BUILDING OUTLINES SHOWN BASED ON ARCHITECTURAL FLOOR PLAN PROVIDED BY OWNER. CONTRACTOR SHALL VERIFY WITH OWNER/ARCHITECT/ENGINEER EXACT DIMENSIONS OF FOUNDATION. STAKE OUT SHALL BE PER FOUNDATION PLAN PROVIDED BY OWNER AND NOT BASED ON DIMENSIONS SHOWN OR SCALED HERE ON.
2. COORDINATE WITH ARCHITECTURAL PLANS FOR EXACT LOCATION OF WATER AND SEWER AND OTHER UTILITY CONNECTIONS.
3. ALL DIMENSIONS AND RADII REFER TO FLOWLINE OF CURB OR EDGE OF PAVEMENT.
4. COORDINATE WITH UTILITY SERVICE PROVIDERS FOR THE RELOCATION OF EXISTING UTILITIES, IF REQUIRED, AND FOR THE INSTALLATION OF PROPOSED UTILITIES.
5. ADJUST ALL EXISTING VALVE BOXES, CLEANOUTS, AND STRUCTURE RIMS TO PROPOSED GRADE AS REQUIRED.

GRADING NOTES

1. STOCKPILE STRIPPED TOPSOIL AT AN OFFSITE LOCATION WITH AN APPROVED SEDIMENT CONTROL PLAN AS REQUIRED.
2. SPOT ELEVATIONS REFER TO EDGE OF PAVEMENT, FLOWLINE OF CURB OR GROUND SURFACE.
3. CONTRACTOR SHALL MAINTAIN POSITIVE DRAINAGE DURING CONSTRUCTION.
4. PROVIDE A SMOOTH GRADING TRANSITION BETWEEN ALL DISTURBED AND EXISTING AREAS.
5. SIDEWALKS SHALL HAVE MAX CROSS SLOPE OF 2.0% AND MAX LONGITUDINAL SLOPE OF 5.0%.
6. LANDING PAD AT DOOR ENTRANCES SHALL HAVE 2.0% MAX SLOPE. SIZE OF LANDING PAD PER PLAN AND CODE REQUIREMENTS.
7. CONTRACTOR SHALL CLEAN ACCUMULATED SEDIMENT FROM ALL DITCHES AND PIPING UPON COMPLETION OF PROJECT.
8. IMPORTED STRUCTURAL FILL SHALL BE TESTED PER ASTM D-1557 FOR MAXIMUM DRY DENSITY AND OPTIMUM MOISTURE CONTENT. ALL STRUCTURAL SOILS SHALL BE PLACED IN 8" LIFTS AND COMPACTED TO 95% MODIFIED PROCTOR DENSITY.

TEMPORARY 40' X 8' STORAGE
CONTAINER LOCATION

PLAN PURPOSE - TO DEPICT LOCATION OF
TEMPORARY STORAGE CONTAINER FOR TOWN OF
EASTON ZONING APPROVAL.

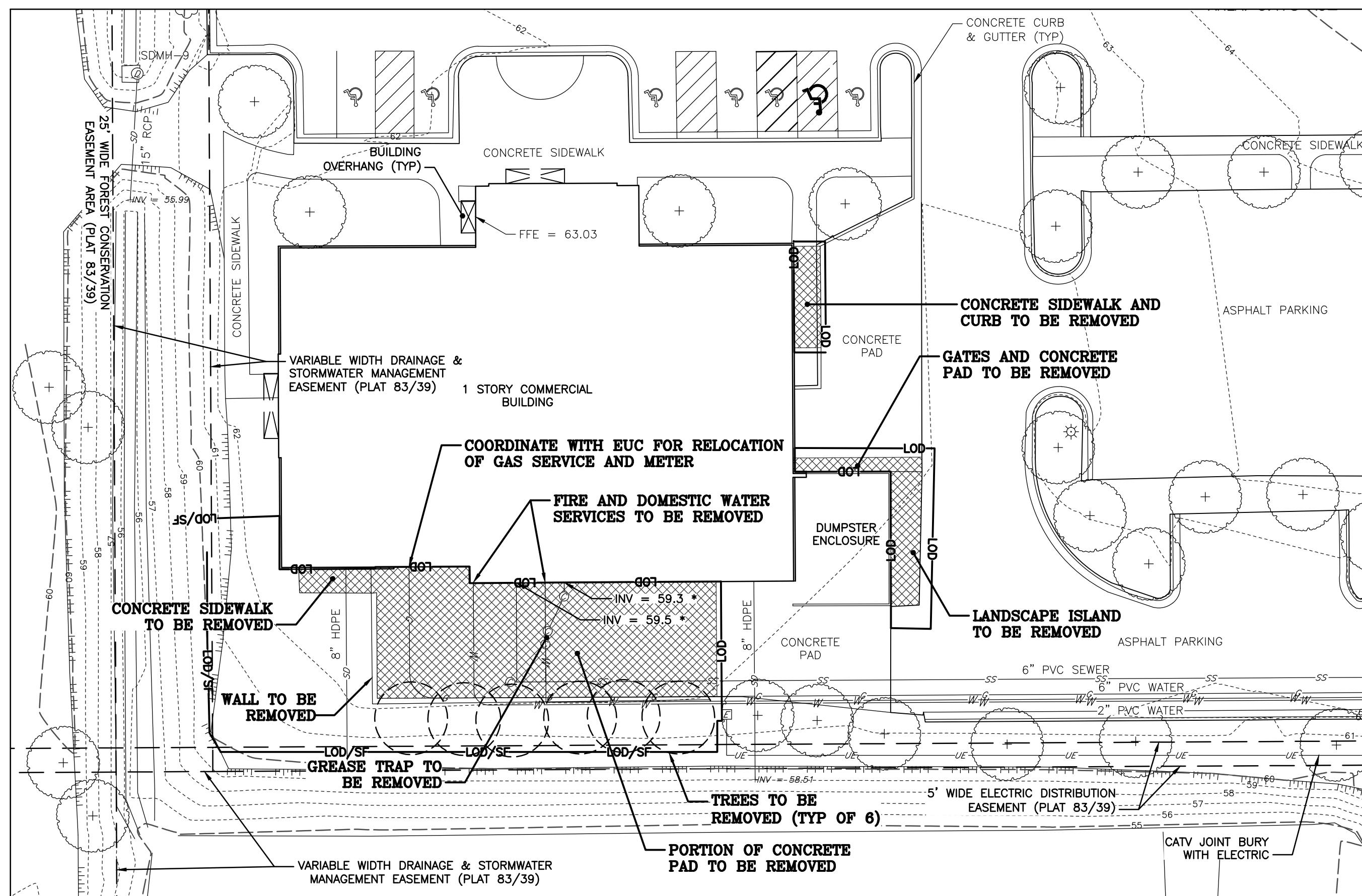
OVERALL EXISTING CONDITIONS

SCALE: 1" = 50'



SCALE IN FEET

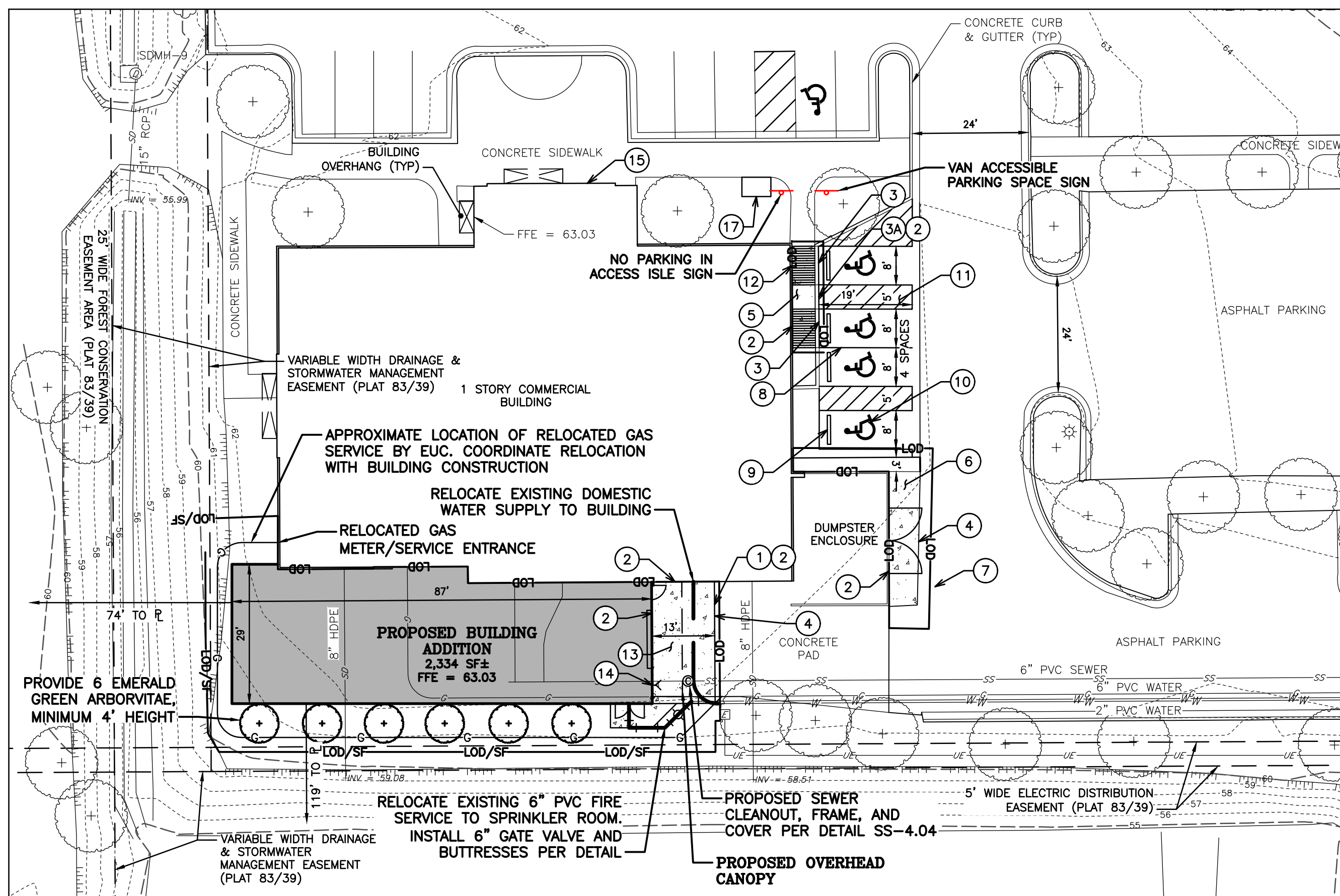
EXISTING ON-SITE PARKING SPACES:	144 SPACES
ADA ACCESSIBLE PARKING SPACES REQUIRED:	5 SPACES
ADA ACCESSIBLE PARKING SPACES PROVIDED:	5 SPACES INCLUDING 1 VAN SPACE



* INVERTS AT SEWER CLEANOUTS
NOT FIELD VERIFIED

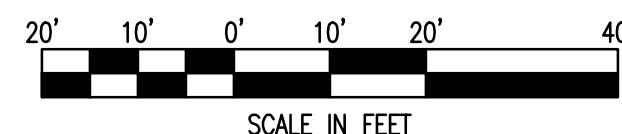
DEMOLITION PLAN

SCALE: 1" = 20'



PROPOSED IMPROVEMENTS

SCALE: 1" = 20'



SCALE IN FEET

[illegible]

WARNING!!

THE LOCATIONS OF EXISTING UTILITIES AS SHOWN ON THIS PLAN ARE APPROXIMATE ONLY. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF EXISTING UTILITIES PRIOR TO BEGINNING CONSTRUCTION. THE QUANTITIES SHOWN ON THIS PLAN ARE FOR INFORMATIONAL AND PERMITTING PURPOSES ONLY. THE CONTRACTOR SHALL VERIFY ALL QUANTITIES TO HIS OWN SATISFACTION PRIOR TO BEGINNING CONSTRUCTION.

THE CONTRACTOR SHALL TEST PIT AND LOCATE EXISTING UNDERGROUND UTILITIES PRIOR TO THE BEGINNING OF ANY WORK ON-SITE. THE CONTRACTOR SHALL NOTIFY DEPT. OF PUBLIC WORKS OF ANY POSSIBLE CONFLICT AND REQUEST THE RELOCATION OF THE EXISTING UNDERGROUND UTILITIES BEFORE BEGINNING ANY WORK ON-SITE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY RELOCATION EXPENSE.



Lane Engineering, LLC

Established 1986

Civil Engineers • Land Planning • Land Surveyors



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 St. Cambridge, MD 21613 (410) 221-0
 Ave. Centreville, MD 21617 (410) 758-

TOWN OF EASTON WARD 2

PROFESSIONAL CERTIFICATION: I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland, License No. 23152 . Expiration Date: 7/5/2025.

SEAL



DATE _____

BUILDING PERMIT
SITE PLAN

AUSTIN MEDICAL
SUPPLIES

IN THE TOWN OF EASTON
TALBOT COUNTY, MARYLAND
TAX MAP 25 GRID 24 PARCEL 89 LOT 4

ISSUED/REVISED FOR:	DATE:	BY:
BUILDING PERMIT SUBMITTAL	05/09/23	TWG
PLANNING COMMISSION REVIEW	06/15/23	TWG
ESDR COMMENTS	07/31/23	TWG
ADA PARKING AS BUILT	06/20/24	TWG

SHEET No. 2 OF 4

IOB No. 220574

SCALE:
AS NOTED

FILE No. 4412



TOWN OF EASTON
PLANNING & ZONING
14 S Harrison Street, Easton MD 21601

Date of Hearing: August 17, 2023

4b

**PLANNING COMMISSION
PUBLIC HEARING
STAFF REPORT**

SUBJECT: 29311 Cecil Drive - Austin Medical Supplies

ELECTION WARD: Ward 2

CRITICAL ACTION DATE: At the pleasure of the Commission

STAFF CONTACTS: Joseph Mayer, Plan Reviewer
Miguel Salinas, Director of Planning and Zoning

APPLICANT: Austin Medical Supplies: John Wolk

DOCUMENT CREATED ON: August 7, 2023

PURPOSE: The applicant is seeking site plan approval from the Planning Commission.

RECOMMENDATION: Staff supports Planning Commission approval of the proposed site plan subject to staff's recommended condition (see below).

APPLICATION INFORMATION:	
APPLICANT: Austin Medical Supplies	REPRESENTATIVE: Lane Engineering, LLC.: Timothy Glass Austin Medical Supplies.: John Wolk
PARCELS/ACREAGE:	
Parcel Information	Acreage
Map 025, Grid 0024, Parcel 0089, Lot 4	3.438
ACCEPTANCE DATE: July 31, 2023	
LOCATION: 29311 Cecil Drive	
EXISTING ZONING CL	EXISTING LAND USE: Vacant; Former Golden Corral Restaurant.
HISTORIC DISTRICT: Not Applicable	FUTURE LAND USE MAP: Commercial

CONTEXT:

Location/Site Access – The subject property is located at the corner of Cecil Drive, Ocean Gateway and Alicia Drive, with site access from Cecil Drive and Alicia Drive.

Existing Conditions – The subject property is currently vacant. The previous use on the site was a Golden Corral Restaurant.

Surrounding Properties

- Parcel 0089, Ocean Gateway - CL
- 29321 Cecil Drive - CL
- 8744 Roundhouse Circle - R-10A
- 8738 Roundhouse Circle - R-10A
- 8730 Roundhouse Circle - R-10A
- 8722 Roundhouse Circle - R-10A
- 8714 Roundhouse Circle - R-10A
- 8708 Alicia Drive - CL
- Parcel 4724B, Ocean Gateway - R-10A



Figure 1: Vicinity Map

PROPOSAL: The applicant is proposing to construct a 2,334 square foot building addition for storage space and an interior fit-out for medical supplies sales and storage within the existing portion of the building. Also, there's associated site improvements; additional ADA Parking spaces, bicycle rack and landscaping.

BACKGROUND: The applicant submitted an application to the Easton Staff Development Review Committee on June 28, 2023. Existing site plans for the vacant Golden Corral Restaurant with associated improvements was approved on July 27, 2011.

ZONING ANALYSIS:

A. Permissible Land Uses

28-201 table 2.1 (1) 263

CL

263	Multiple Use*	--	--	--	--	P	P	P	P	P		
-----	---------------	----	----	----	----	---	---	---	---	---	--	--

Analysis –The proposed project is presented and described by the Applicant as retail sales for medical supplies and storage space within the existing structure totalling 7,571 square feet per building permit #11-8735. A 2,334 square foot building addition would be used for storage space as well. The project is categorized as a “Multiple Use”. The proposed use is permitted by-right within Table 2.1 Table of Permissible Uses.

B. Off-Street Parking

For the purposes of off-street parking calculations, the use is considered “Warehouse” and “Standalone Retail Store” and has the following requirements:

28-1001.3 Parking Requirements

	Use/Activity	Minimum Vehicle Spaces	Maximum Vehicle Spaces	Minimum Bicycle Spaces	Notes
	Industrial Buildings				
40	Warehouse	1 per 2,000 sf GFA	1 per 350 sf GFA	--	
	Commercial Buildings				
15	Standalone Retail Store	1 per 300 sf GFA	1 per 200 sf GFA	1 per 10 vehicle spaces	

Total Site Parking Required:

Retail: 1 Space /300 SF GFA; 19 Spaces Required- Minimum
 1 Space /200 SF GFA; 29 Spaces Required- Maximum
 Warehouse: 1 Space /2,000 SF GFA; 2 Spaces Required- Minimum
 1 Space /350 SF GFA; 9 Spaces Required- Maximum
Total Minimum spaces required: 21 spaces
Total Maximum spaces required: 38 spaces
Total existing spaces provided: 144 spaces

Analysis- The total minimum spaces required is 21 spaces. The existing site currently has 144 parking spaces available due to the higher parking needs of the former restaurant land use.

C. Commercial Limited District Development Standards

Table 1. Development Standards		
CL Zoning District	Standard	Proposed
Setbacks	Front = 40 feet Side = 10 feet Rear = 15 feet There shall be maintained a landscaped buffer of	Front = 40 feet Side = 10 feet Side – 15 feet Not applicable.

	seventy-five (75) feet on any lot line adjacent to residentially zoned property in accordance with the provisions of Section 28 – 1014 of this Ordinance.	
Lot Size (min.)	60,000 square feet	149,759.28 square feet
Lot Frontage (min.)	200 feet	455 feet
Lot Coverage (max.)	35% (Lot Area)	6.6% (Lot Area)
Height (max.)	50 feet	33' +/-

§ 307.2 of the Zoning Ordinance states that development within the Commercial Limited District shall also meet these additional requirements:

- ***Any development within the CL District requires Site Plan review and Planning and Zoning Commission approval in accordance with Section 28 – 901 (size thresholds for Planning and Zoning Commission Review notwithstanding).***
- ***Off-street parking shall be provided in accordance with the provisions of Section 28 – 1001 and shall be located in the rear or side yard.***
- ***There shall be no outdoor storage of any goods or merchandise on any lot or open areas, nor shall any products be displayed in open areas.***
- ***All on-site lighting unless approved otherwise by the Planning and Zoning Commission shall be low cut-off shielded luminaries at 18' height and light shall not shine off-site at levels greater than 1-foot candle.***
- ***All off-street loading and unloading areas shall be screened from view by permanent decorative screens or natural planting, either of which shall be a minimum of eight (8) feet in height, in accordance with the provisions of Section 28 – 1014 of this Ordinance.***
- ***All areas not devoted to buildings or parking areas shall be landscaped and maintained in accordance with Section 28 – 1014 of this Ordinance.***

Analysis - The site falls under the CL - Commercial Limited District Area and meets the 28-307.2 Development Standards. Any comments or concerns from the ESDR review letters will be addressed during the Development Site Plan review.

D. Forest Conservation

The Easton Forest Conservation Requirements of the Town Code, Article III, § 31-3.1 Relevance, states that the requirements are applicable to any person making application for a subdivision, project plan, grading, or sediment and erosion control approval on units of land 40,000 square feet or greater after the effective date of the Ordinance.

Analysis - The site is within the Mulberry Centre Subdivision, Mulberry Commercial North. Forest Conservation was approved at the amended Subdivision Plat (Plat MAS 83/039)

POLICY ANALYSIS:

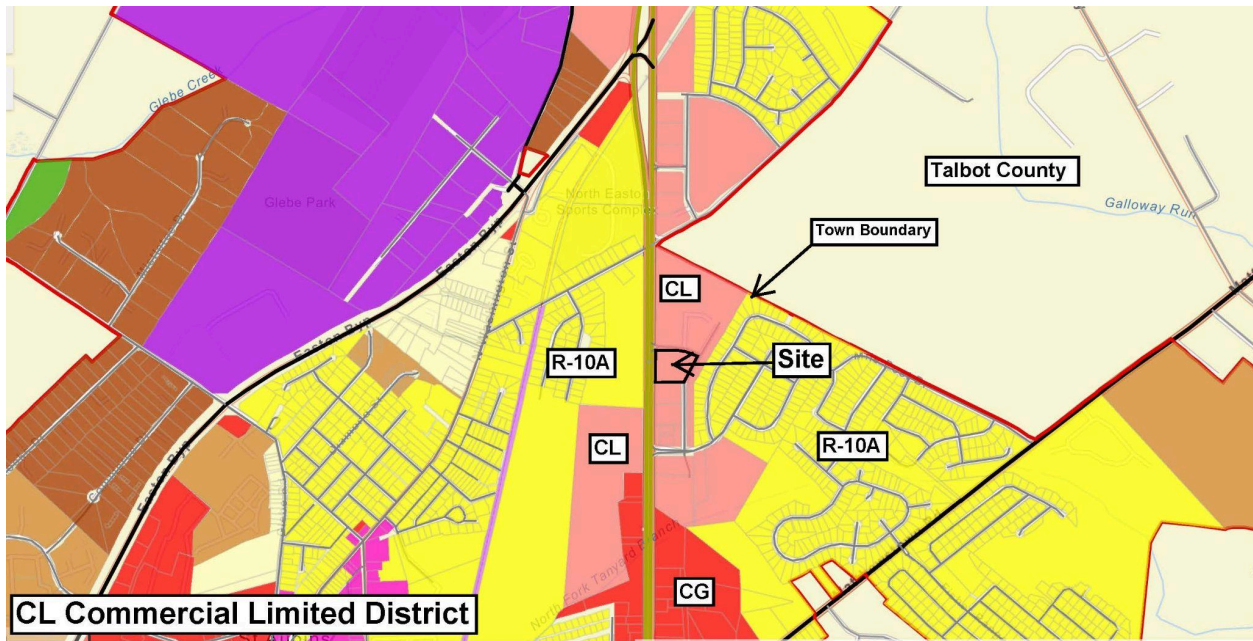


Figure 2: Zoning Map

The submission of a site plan for a proposed use or development activity shall not be approved unless it meets the factors below:

1. The site plan meets the design principles and standards and required improvements set forth in this Ordinance, the Town Comprehensive Plan, the Town of Easton Subdivision Regulations, and other ordinances, regulations, and policies established by the Town of Easton.

Analysis -

Town of Easton 2010 Comprehensive Plan Design Principles (Principle #1) Integrated uses are desirable- *Applicant's response: This is an adaptive re-use of an existing vacant building and site that was designed for a single use.*

Staff notes that the proposed development fits within the commercial limited nature of this business park.

(Principle #2) Natural features should determine design – *Applicant's response: This is an adaptive re-use of an existing vacant building and site with established landscaping and stormwater management facilities.*

Staff notes that there are no compelling natural features on site. Forest Conservation was approved at the amended Subdivision Plat (Plat MAS 83/039).

(Principle #3) Automobiles should not determine design – *Applicant's response: This is an adaptive re-use of an existing vacant building and site with established parking and circulation that will remain.*

Staff notes that the applicant has provided adequate off-street parking.

(Principle #4) Ample Open Space should be provided within & around neighborhoods – *Applicant's response: Not applicable to commercial site.*

Staff notes that open space is not applicable.

(Principle #5) Architecture should respect Easton's Historical Development – *Applicant's response: This application proposes architecture compatible with Easton's commercial developments and utilizes materials and detailing commonly found through-out Easton. The existing building is to be upgraded and enhanced architecturally.*

(Principle #6) Signs should inform but not dominate – *Applicant's response: Signage will comply with base zoning requirements.*

Staff notes that any proposed monument sign will require a Signage Application to be submitted prior to installation. Signs should inform but not dominate the area.

(Principle #7) Neighborhoods should contain a diversity of housing types – *Applicant's response: Not applicable to this project.*

(Principle #8) Residential neighborhoods should be interesting places – *Applicant's response: Not applicable to this project.*

(Principle #9) Neighborhoods should connect – *Applicant's response: Not applicable to this project.*

Staff notes that although this Principle is primarily directed towards residential subdivisions, Cecil Drive and Alicia Drive provides connectivity for the surrounding business park to access Ocean Gateway (Maryland Route 50). Also, Alicia Drive, in the long-term, is anticipated to connect to Chapel Road. This is depicted on the Comprehensive Plan Transportation Map.

2. The site plan avoids or minimizes adverse impacts upon features (whether on-site or off-site) of historical, cultural or ecological significance.

Analysis - The proposed site is not within the Historic District or the Critical Area. This project would provide an addition for storage space and an interior fit-out for medical supplies sales and storage within the existing portion of the building. Existing amenities include: adequate parking, stormwater management facilities and landscaping.

3. *The proposed use or development activity will not substantially increase traffic hazards due to traffic generated by the proposed use, the location of curb cuts or the layout of internal traffic circulation.*

Analysis - The proposed use and activity will not increase traffic hazards in the surrounding area. Adequate off-street parking is provided.

4. *The site plan and the proposed use or uses do not cause any adverse impact upon the health or safety of persons residing or working in the area surrounding the site or upon the character of the neighborhood surrounding the site; and*

Analysis - There would be no adverse impacts. The existing property is located within a commercial limited zoned business park. The proposed use would provide an addition for storage space and an interior fit-out for medical supplies sales and storage within the existing portion of the building.

5. *The site plan improves the water quality of the Chesapeake Bay or its tributaries.*

Analysis - The proposed site would meet required design practices for stormwater management.

RECOMMENDED CONDITION:

Staff recommends the Planning Commission approve the sketch site plan with the following condition:

- In the event that the Limit of Disturbance exceeds 5,000 square feet during construction, the Applicant will need to address stormwater management practices.

DRAFT MOTIONS:

1. I move that the Planning Commission approve the sketch site plan subject to staff's Condition of Approval.

OR

2. I move that the Planning Commission table the application to the September 21st Commission meeting for further discussion.

OR

3. I move an alternate motion.

ATTACHMENTS:

1. 2023.05.11 Austin Medical Supply Plans and Elevations, paper copy & PDF
2. 2023.07.26 ESDR Determination Letter- Austin Medical, paper copy & PDF
3. 2023.07.31 BPSP-Phase1-AustinMedical, paper copy & PDF
4. 2023.07.31 PC Application, paper copy & PDF



TOWN OF EASTON

14 South Harrison Street
Easton, Maryland 21601

November 6, 2024

Dear Resident,

The Easton Planning Commission (Commission) will hold a public meeting on **Thursday, November 21, 2024 at 1:00 p.m.** in the Easton Town Council Chambers located on the second floor of 14 South Harrison Street. The Town of Easton Zoning Ordinance requires that owners of property located within 400 feet of a parcel on which certain types of applications are pending be given notice of upcoming meetings or hearings. If you are a tenant in or an owner of a multi-unit building, please distribute or post this notice in a visible location for all other tenants or owners to view. If you are a tenant of a rental property, please notify the property owner that this notice letter has been distributed to their property. Notice has also been sent to the Star Democrat, a sign has been posted at the subject property and the hearing agenda has been posted on the Town of Easton website: <http://eastonmd.gov/>.

This letter is sent to inform you that a Concept, Use, and Design Application (Application 2024 - 1335) has been filed by Lane Engineering (Applicant) on behalf of Austin Medical Supplies Inc. (Owner) to request the temporary placement of a 40' x 8' storage container at 29311 Cecil Drive, also known as Tax Map 0025, Grid 0024, Parcel 0089, Lot 4. On August 17, 2023, the Commission unanimously approved a Sketch Site Plan for the construction of a 2,334 square foot building addition with associated site improvements.

Copies of the proposed application are on file and available for public review in the Town's Planning Office at 14 South Harrison Street between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday. **In addition, digital copies will be available for review one week prior to the scheduled meeting via the Town's website at <https://www.eastonmd.gov/129/Agendas-Minutes>.** If you have any questions regarding this application, please contact the Planning Office at (410) 822-1943 or via email at ssmith@eastonMD.gov.

Samantha N. Smith

Samantha N. Smith, Administrative Specialist
Planning & Zoning Department
410-822-1943 ssmith@eastonMD.gov



***Subject property posting pursuant to Section
28-901.2.H.2 of the Town of Easton Zoning Code -
November 6, 2024.***



TOWN OF EASTON
PLANNING & ZONING
14 S Harrison Street, Easton MD 21601

Date of Hearing: November 21, 2024

4a

**PLANNING COMMISSION
PUBLIC HEARING
STAFF REPORT**

SUBJECT: 605 South Street - Zoning Amendment Application

ELECTION WARD: Ward 4

CRITICAL ACTION DATE: At the pleasure of the Commission

STAFF CONTACTS: Joseph Mayer, Plan Reviewer
Miguel Salinas, Director of Planning and Zoning

APPLICANT: Kendrick Daly – % Naima Ventures, LLC

DOCUMENT CREATED ON: October 31, 2024

PURPOSE: The applicant is seeking a recommendation from the Planning Commission to the Town Council for the granting of a rezoning of 605 South Street to the Town of Easton Central Business Commercial (“CB”) zoning district to permit the proposed use.

RECOMMENDATION: Staff does not support a Planning Commission recommendation of approval to the Town Council, primarily because we do not believe the required finding of “change or mistake” can be made. (see below).

APPLICATION INFORMATION:	
APPLICANT: Kendrick Daly % Naima Ventures, LLC	REPRESENTATIVE: Kendrick Daly % Naima Ventures, LLC
PARCELS/ACREAGE:	
Parcel Information	Acreage
Map 0105, Grid 0000, Parcel 1632	0.327
ACCEPTANCE DATE: October 28, 2024	
LOCATION: 605 South Street	
EXISTING ZONING R-7A PRD Boundary	EXISTING LAND USE: Residential
HISTORIC DISTRICT: Not Applicable	FUTURE LAND USE MAP: Residential

CONTEXT:

Location/Site Access – The subject property is located at the corners of South Street & South Park Street and Front Lane & South Park Street.

Existing Conditions – The subject property is currently a school with daycare and church services.

Surrounding Properties

- 600 Dover Road - CB
- 607 South Street - R7A
- 604 South Street - R7A
- 530 South Street - R7A
- 533 South Street - R7A
- 9 South Park Street - R7A

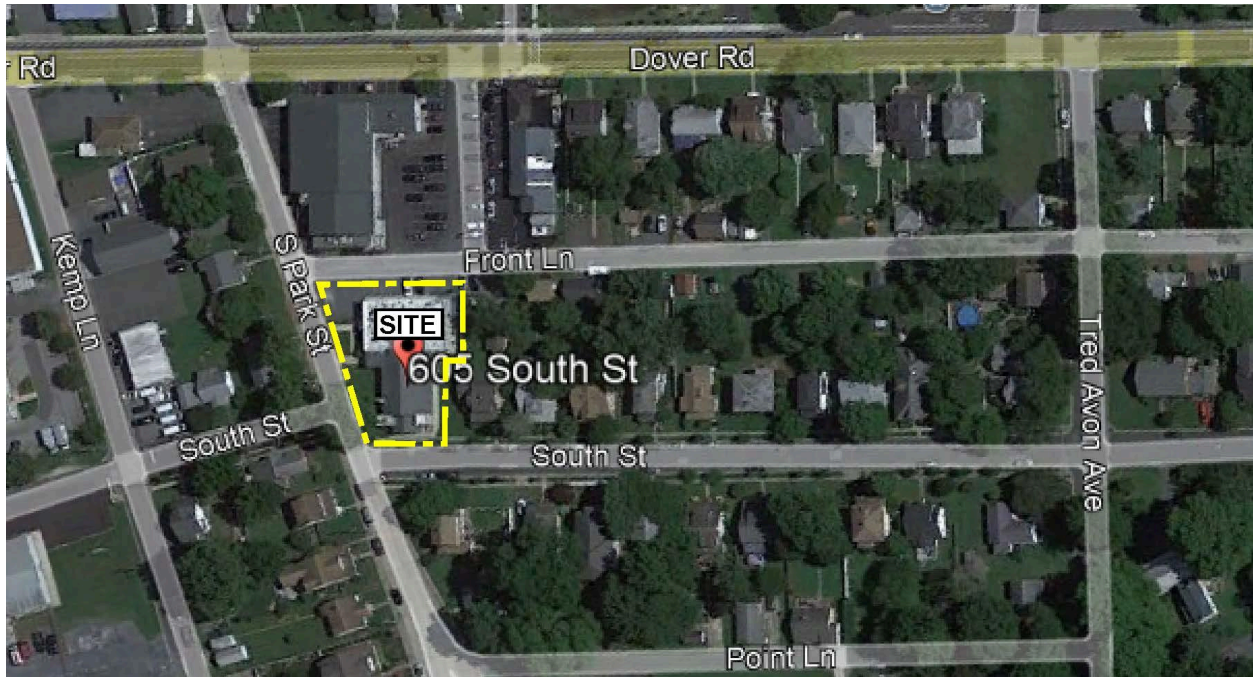


Figure 1: Vicinity Map

PROPOSAL: Naima Ventures, LLC (applicant) is seeking a recommendation from the Planning Commission to the Town Council for granting a rezoning of 605 South Street to a Town of Easton zoning district that permits the proposed use of Central Business Commercial Zoning District (“CB”).

BACKGROUND: On September 17, 2020, 411 Needwood LLC, the former owner, requested a change in the zoning from R-7A to CR. The Commission voted 4-0 recommending to the Town Council to continue the existing zoning of R-7A but to also include the property in the Planned Redevelopment Overlay District. The Town Council ultimately approved the request as suggested by the Commission via the Comprehensive Rezoning in 2021. On October 23, 2024, the applicant submitted an application to the Easton Staff Development Review Committee for review of the Zoning Amendment application.

ZONING ANALYSIS:

Forest Conservation

Easton Forest Conservation Ordinance #718, Article III, § 31-3.1 Relevance

A. Any person making an application for a subdivision, project plan, grading, or sediment and erosion control approval on units of land 40,000 square feet or greater after the effective date of this Ordinance.

Analysis - The development of this site is within the priority funding area that's within the proximity of residential dwellings. The overall site area is 14,244 square feet and is under the required 40,000 square foot minimum. Therefore, Forest Conservation is not required.

POLICY ANALYSIS:

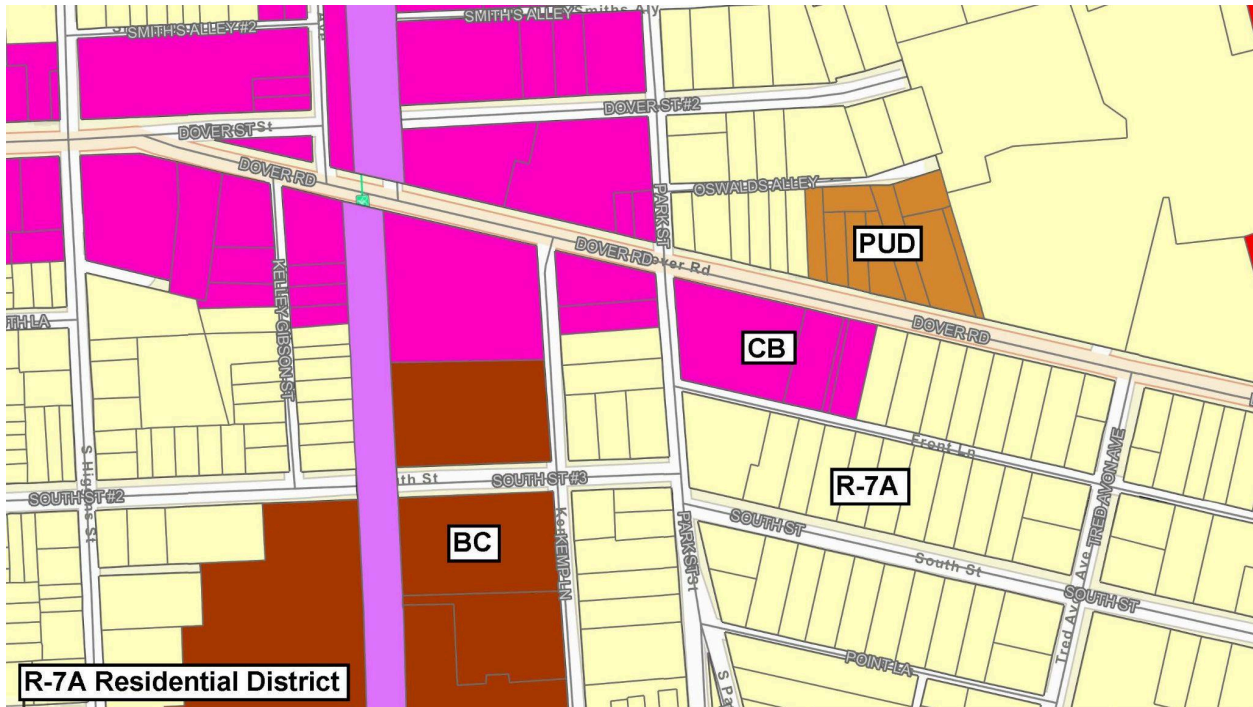


Figure 2: Zoning Map

§ 28-1014 BASIS FOR APPROVING REZONING

A. Where the purpose and effect of the proposed amendment is to change the zoning classification of a specific parcel of land, the Town Council shall make findings of fact in each specific case including, but not limited to, the following matters:

1) The relationship of such proposed amendment to the Town's Comprehensive Plan.

Analysis - The proposed amendment is consistent with some aspects of the Town of Easton Comprehensive Plan (2010) and not with others. Most notably, it is inconsistent with the Plan's Future Land Use Map as it depicts the parcel as residential. However, the existing building is aligned to commercial properties to the north of the property and has a long history of non-residential use. Rezoning from Residential Zoning District ("R-7A") to Central Business Commercial Zoning District ("CB") would conform with the Economic Development goals of the Plan by bringing additional businesses to expand the economic base and encourage diversification of the commercial base. Thus, permitting commercial development to attract desirable businesses and enable existing businesses to flourish as well.

2) *The recommendation of the Planning and Zoning Commission.*

Analysis - The Planning Commission needs to determine a recommendation to the Town Council for rezoning.

3) *Population change.*

Analysis - Given the size of the parcel, it's not expected to generate significant population change. Rezoning to commercial would clearly not increase the population.

4) *Availability of public facilities.*

Analysis - There are available public facilities along Park Street and South Street for the rezoning and potential development. The existing public water and sewer will serve the property for commercial use.

5) *Present and future transportation patterns.*

Analysis - Any adverse impacts to future transportation patterns occurring as a result of the rezoning classification will be determined with any future development proposal or change of land use.

6) *Compatibility with existing and proposed development for the area.*

Analysis - The property is adjacent to several parcels to the north that are categorized within the Central Business Commercial District and the remaining surrounding parcels are within the R-7A Residential District. The existing building has been occupied as a non-residential use for a majority of time, although it, and all other properties on the same block have long been zoned residentially. It is worth noting that the realtor who had the listing of the property at the time of the last Comprehensive Rezoning in 2021, formally requested that it be rezoned from residential to commercial. The Planning Commission (and ultimately, the Town Council) was not in favor of that change, but did decide to extend the boundaries of the Planned Redevelopment Overlay District to encompass the property. That affords it greater flexibility, but with the base zoning remaining residential, it is limited in the degree to which it can have commercial uses to those "that are permitted in the underlying zoning district..." (Section 28-501 C 3 d). This allows a great deal of flexibility with regards to the development standards associated with the property, but no additional flexibility with regards to permitted uses. Presumably, the Applicant would like greater flexibility regarding potential uses.

7) *Whether the applicant has demonstrated that there has been a substantial change in the character of the neighborhood where the property is located, that there was a mistake in the existing zoning classification or that the current zoning classification of the property deprives the owners thereof of all beneficial use of the property.*

Analysis - The applicant has not demonstrated that a substantial change in the character of the neighborhood has occurred. The property has functioned as a non-residential use for the majority of the time and the adjacent parcels to the east, south and west of the property have consistently remained R-7A Residential District. Three adjacent parcels to the north are within the Central Business Commercial District that face Dover Road. There's no indication that the existing zoning classification was a mistake. The property was included into the Planned Redevelopment Overlay District. This adds a greater flexibility with the design standards within the base zoning. However, it's limited in the degree to which it can have commercial uses.

RECOMMENDED CONDITION:

Staff does not support a Planning Commission recommendation of approval. The site should continue the existing zoning of R-7A with the Planned Redevelopment Overlay District.

DRAFT MOTIONS:

1. I move that the Planning Commission recommend to the Town Council support of the Zoning Amendment request for the granting of a rezoning of 605 South Street to the Town of Easton Central Business Commercial ("CB") zoning district.

OR

2. I move that the Planning Commission recommend to the Town Council denial of the Zoning Amendment Request for the granting of a rezoning of 605 South Street to the Town of Easton Central Business Commercial ("CB") zoning district based on the following findings.....

OR

3. I move an alternate motion.

ATTACHMENTS:

1. 2020-09-17 PC Agenda, paper copy & PDF
2. 2020-09-17 PC Minutes Draft revised, paper copy & PDF
3. 2020-09-17 PC Packet, paper copy & PDF
4. 2024-10-24 ESDR Determination Letter - 605 South Street, paper copy & PDF
5. 2024-10-28 Exhibits, paper copy & PDF
6. 2024-10-28 Rezoning Application Supplemental Narrative, paper copy & PDF
7. 2024-10-28 605 South Street - Zoning Map Amendment Application, paper copy & PDF



TOWN OF EASTON
ZONE MAP AMENDMENT APPLICATION

- (1) This application form must be filled out in its entirety.
- (2) An incomplete application form will result in rejection of the application prior to checklist review.
- (3) If additional space is needed to complete any section of this application, attach a separate sheet containing all the required information and refer to such where appropriate on the form.
- (4) Do not write in shaded areas.
- (5) Provide proposed residential units or proposed non-residential square footage if the application is associated with a proposed subdivision or site plan.

Project Name: 605 South Street		Application Number Assigned 2024 - 1303 / AMD 24 - 02	
		Fee Amount Paid 10/28/2024	
		Receipt Number 6207	
		Date of Official Acceptance 10/28/2024	
Is this application associated with a: ☒ Site Plan Application ☒ Subdivision Application		Subdivision/Site Plan Name (if the amendment is associated with a proposed subdivision): N/A	
As justification for the zone map amendment, please describe whether there has been a substantial change in the character of the neighborhood where the property is located, that there was a mistake in the existing zoning classification, or that the current zoning classification of the property deprives the owner thereof of all beneficial use of the property: (Must be completed and provided on a separate sheet).			
Number and Types of Proposed Lots (include existing)		PROPOSED RESIDENTIAL UNITS (This section is to be completed for all residential applications).	
Residential	2	Total Units	Quantity Affordable Age-Restricted
Non-residential		Detached	
Open Space		Accessory	
Other (Specify type)		Middle Housing	
		Multifamily	
		Other (specify)	
Total Lots:		Total	
Source of Electricity: Easton Utilities			
Developer will provide broadband service to these lots: ☒ Yes ☐ No			
PROPOSED NON-RESIDENTIAL SQUARE FOOTAGE: This section must be completed for all non-residential applications and non-residential components of residential applications. Describe the type (s) in the appropriate category and the total square footage for the category:			
Category	Description of Use	Square Footage	
Residential			
Business, Personal & Professional	General	6,618	
Food & Beverage			
Health Services			
Retail			
Institutional			
Recreational & Entertainment			
Industrial			
Other (specify)			
Total Square Footage		6,618	
PROPERTY LOCATION			
Property Address: 605 South St.	Property Location:	Adjacent Roads: Park St, Front LA	
ELECTION WARD(S)	Ward 4		
PROPERTY TAX MAP, ACREAGE AND ZONING INFORMATION			
Tax Map, Grid, Parcel, Lot	Zoning District(s)	Acreage	Zoning Status Existing Proposed
0105, 0000, 1632, -		0.324	R7A CB
ADDITIONAL PROPERTY INFORMATION			
Deed Reference	Liber: 03060	Folio: 00184	
Plat Reference	Liber:	Folio:	

SURROUNDING LAND USES AND ZONING			
List all surrounding land uses and zoning districts adjacent to the property, including those across roads.			
LAND USE		ZONING	
NORTH	Commercial	CB	
SOUTH	Residential	R7A	
EAST	Residential	R7A	
WEST	Residential	R7A	
APPLICANT(S)			
Company Name		Company Name	
Name of Person & Title		Name of Person & Title	
Mailing Address		Mailing Address	
City, State, Zip Code		City, State, Zip Code	
Daytime Telephone		Daytime Telephone	
E-mail Address		E-mail Address	
Naama Ventures LLC			
Kendrick Daly President			
112 Third Haven Heights			
Easton MD 21601			
410 253 9021			
Kendrickdaly@naamaventures.com			
PROPERTY OWNER(S)			
Company Name		Company Name	
Name of Person & Title		Name of Person & Title	
Mailing Address		Mailing Address	
City, State, Zip Code		City, State, Zip Code	
Daytime Telephone		Daytime Telephone	
E-mail Address		E-mail Address	
Naama Ventures LLC			
Kendrick Daly President			
112 Third Haven Heights			
Easton MD 21601			
410 253 9021			
Kendrickdaly@naamaventures.com			
AGENT(S)			
Company Name		Company Name	
Name of Person & Title		Name of Person & Title	
Mailing Address		Mailing Address	
City, State, Zip Code		City, State, Zip Code	
Daytime Telephone		Daytime Telephone	
E-mail Address		E-mail Address	
CERTIFICATIONS			
APPLICANT(S) OR AGENT(S): I hereby certify that the information provided is accurate to the best of my knowledge and that I have reviewed and am satisfied that the information provided is consistent with the Town of Easton Zoning Ordinance and Subdivision Regulations. I understand that the submission of an incomplete application will be returned for correction prior to processing.			
Printed Name of Applicant/Agent Kendrick Daly		Printed Name of Applicant/Agent	
Signature of Applicant/Agent 		Signature of Applicant/Agent _____	
Date 9/25/24		Date _____	
PROPERTY OWNER(S) (to be signed by all property owners): I have read this completed application, understand its intent, and freely consent to its filing. Furthermore, I grant permission to the Planning and Zoning Department and other authorized government agents to enter the property and make such investigations and tests as they deem necessary.			
Printed Name of Property Owner _____		Printed Name of Property Owner _____	
Signature of Property Owner _____		Signature of Property Owner _____	
Date _____		Date _____	

Rezoning Application

Naima Ventures LLC

Supplemental Narrative

October 16, 2024

Owner

Naima Ventures LLC
112 Third Haven Heights
Easton, MD 21601
Attn: Kendrick Daly

I. INTRODUCTION

Naima Ventures LLC (“**Applicant**”) is the owner of a parcel consisting of a 6,618 SQ FT structure (“**Building**”) on 14,250 SQ FT of land located on the corner of South and Park Street in the Town of Easton (the “**Town**”), described as LOT 95X150 N/S SOUTH ST EASTON (the “**Property**”). Applicant has applied to the town for zoning reclassification of the property from Residential zoning district (“**R-7A**”) to Central Business zoning district (“**CB**”). Applicant intends to invest in the building to accommodate future permitted commercial uses in accordance with the CB zoning designation.

Originally constructed in 1928, over the years, the Building has undergone several renovations and additions, which have altered its character. Given its long history of non-residential use, the current R-7A zoning designation is no longer appropriate or reflective of the Property’s characteristics or its surrounding environment. Prior to Applicant’s acquisition, the Building was consistently used for commercial purposes, further underscoring that the existing R-7A zoning is outdated. The Proposed rezoning is consistent with the Town Comprehensive Plan and furthers the economic goals of the Town.

II. LEGAL STANDARD FOR REZONING

A. STATE OF MARYLAND

§4–204.

- (a) Zoning regulations and boundaries may be amended or repealed.
- (b) (1) If the purpose and effect of a proposed map amendment is to change a zoning classification, the legislative body shall make findings of fact that address:
 - (i) population change;
 - (ii) the availability of public facilities;

- (iii) present and future transportation patterns;
- (iv) compatibility with existing and proposed development for the area;
- (v) the recommendation of the planning commission; and
- (vi) the relationship of the proposed amendment to the local jurisdiction's plan.

(2) The legislative body may grant the amendment to change the zoning classification based on a finding that there was:

- (i) a substantial change in the character of the neighborhood where the property is located; or
- (ii) a mistake in the existing zoning classification.

B. TOWN OF EASTON

SECTION 28 – 1404 BASIS FOR APPROVING REZONING

A. Where the purpose and effect of the proposed amendment is to change the zoning classification of a specific parcel of land, the Town Council shall make findings of fact in each specific case including, but not limited to, the following matters:

1. The relationship of such proposed amendment to the Town's Comprehensive Plan.
2. The recommendation of the Planning and Zoning Commission.
3. Population change.
4. Availability of public facilities.
5. Present and future transportation patterns.
6. Compatibility with existing and proposed development for the area.
7. Whether the applicant has demonstrated that there has been a substantial change in the character of the neighborhood where the property is located, that there was a mistake in the existing zoning classification or that the current zoning classification of the property deprives the owners thereof of all beneficial use of the property.

III. ANALYSIS AND COMPLIANCE WITH APPLICABLE REZONING CRITERIA

1. *The relationship of such proposed amendment to the Town's Comprehensive Plan.*

The proposed amendment is consistent with the Town of Easton's Comprehensive Plan. Specifically, under the "Economic Development Goals and Objectives," the Comprehensive Plan encourages revisions to the Town's Zoning Map to ensure sufficient land is zoned for the types of businesses the Town seeks to attract. The Plan explicitly states that the Town should:

"Revise Easton's Zoning Map to ensure that there is an adequate supply of land zoned for the types of businesses we are seeking to attract and evaluate the standards of the Ordinance to ensure that the mapped zoning districts allow these uses."

Additionally, the Comprehensive Plan emphasizes the importance of promoting ****neighborhood retail**** in established areas of town. It states: ****Older developed areas of Town should be encouraged to add this type of retail use to retroactively create more legitimate neighborhoods.**** The Property's location at the corner of South Street and Park Street makes it a prime candidate for neighborhood retail, as it is situated adjacent to the commercial zoning on Dover Street. The proposed rezoning would allow for a greater variety of businesses that are in harmony with the community's needs, providing services within walking distance while maintaining the character of the surrounding residential neighborhood.

2. *The recommendation of the Planning and Zoning Commission.*

The application will be presented to the Planning Commission, which will make a recommendation to the town Council.

3. *Population change.*

The proposed commercial uses for the property would attract businesses and their employees, creating new job opportunities for Easton residents. The requested reclassification will not impose any undue strain on public infrastructure or services.

4. *Availability of public facilities.*

The Property is currently served by Easton Utilities with public water and sewer, gas, electric, and internet services. Adequate public facilities for the rezoning exist.

5. *Present and future transportation patterns.*

Onsite parking to the Property exists mainly on the northside of the property alongside Front Lane with a few additional spots on the westside alongside Park Street. Ingress and Egress to the Building is located on the westside with entrances to the Building facing Park Street. The southside of the building is for egress only. This condition facilitates traffic towards Park Street and Front Lane which already accommodate the adjacent commercial properties. No adverse impacts to existing or proposed transportation patterns will occur as a result of approval of the proposed classification.

6. *Compatibility with existing and proposed development for the area.*

The properties north of the site are zoned CB, while those to the east and south are zoned R-7A. To the west, the properties have a mix of R-7A, CB, and Business Commercial (**"BC"**) zoning. The parking and ingress for the building are primarily located on the north and west sides of the property, creating alignment with the surrounding commercial properties in the area.

7. *Whether the applicant has demonstrated that there has been a substantial change in the character of the neighborhood where the property is located, that there was a mistake in the existing zoning classification or that the current zoning classification of the property deprives the owners thereof of all beneficial use of the property.*

The Property is adjacent to several commercial properties such as Rise Up Coffee Roasters and Park Place. The Property itself has been functioning as non-residential for a substantial amount of years prior to the Applicants acquisition. The Applicant is seeking the CB zoning because the current R-7A heavily restricts the use of the Building practically nullifying all potential use for the property.

IV. CONCLUSION

Based on the aforementioned, this amendment aligns with the Town of Easton's Comprehensive Plan, is compatible with the existing development of adjacent properties, and updates the zoning to more accurately reflect the current and historical character of the property. Accordingly, Applicant respectfully requests approval of this amendment.

EXHIBITS:

Exhibit A - Eye over Easton Map
[See Attached]

Exhibit B - Eye over Easton Map with zoning overlay
[See Attached]

Exhibit C - Park Street Building view 1
[See Attached]

Exhibit D - Park Street Building view 2
[See Attached]

Exhibit E - Corner of Park and South Street Building view
[See Attached]

Exhibit F - South Street Building view
[See Attached]

Exhibit G - Park Street Building view 3
[See Attached]

Exhibit H - Front Lane Building view
[See Attached]



EYE OVER EASTON



Advanced ... Elevation P...



Legend

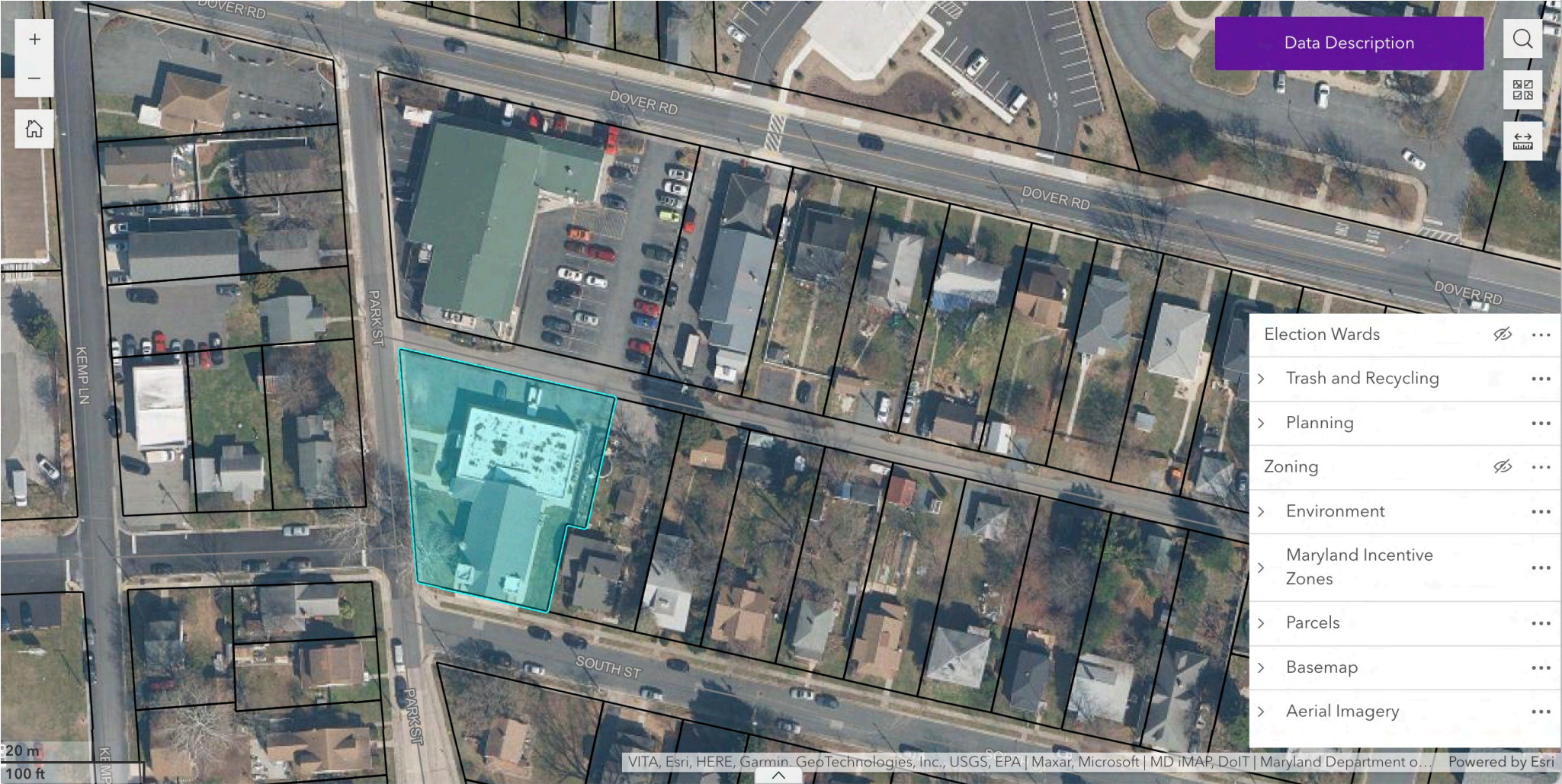


Print

Data Description



Election Wards		...
> Trash and Recycling		...
> Planning		...
Zoning		...
> Environment		...
> Maryland Incentive Zones		...
> Parcels		...
> Basemap		...
> Aerial Imagery		...



VITA, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA | Maxar, Microsoft | MD iMAP, DoIT | Maryland Department o... Powered by Esri



EYE OVER EASTON



Advanced ... Elev

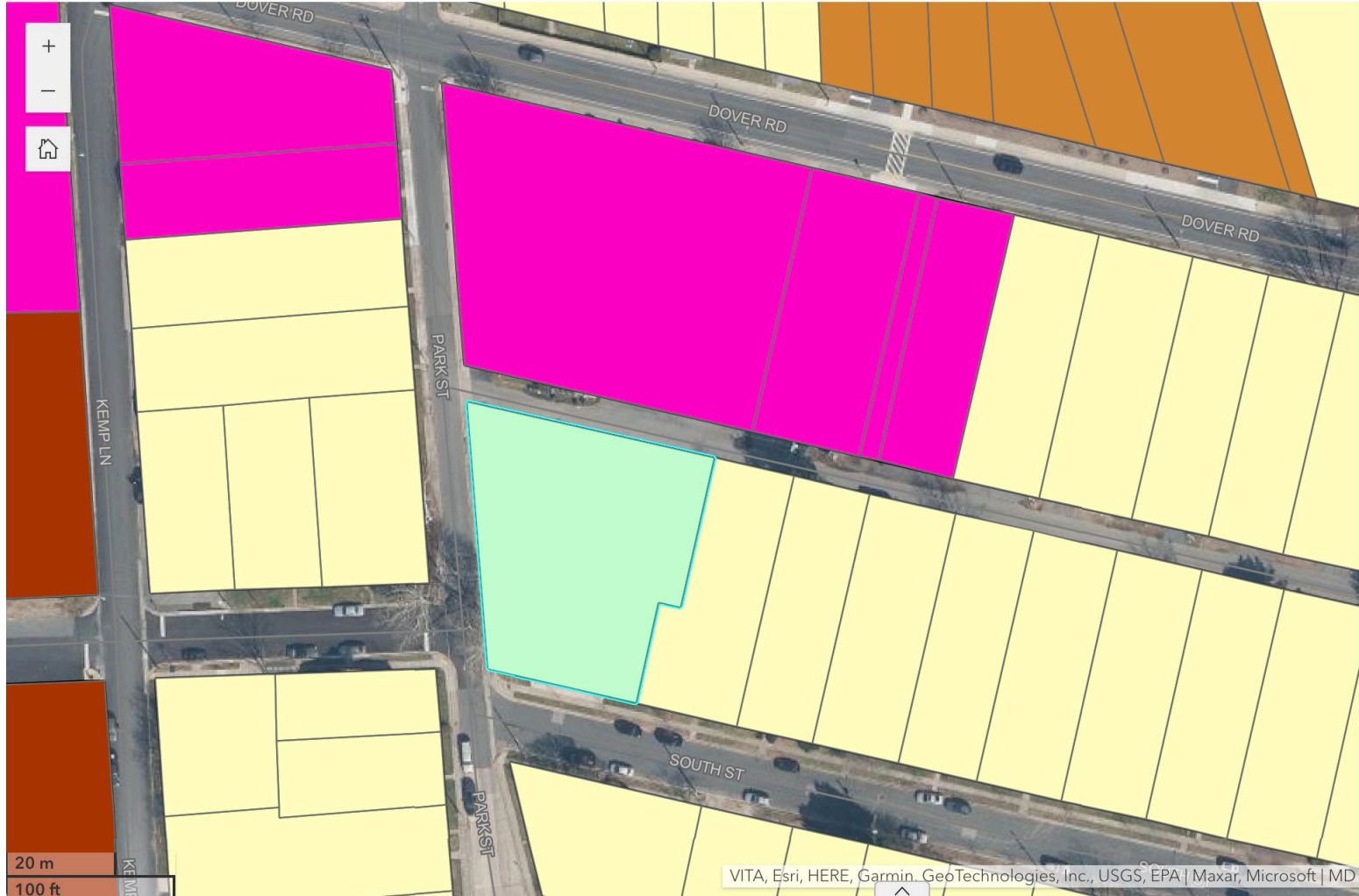
Legend



Zoning

ESTNZONE

- A1
- BC
- CB
- CG
- CL
- GI
- HC
- I
- MXW
- PUD
- R10A
- R10M
- R7A
- RH

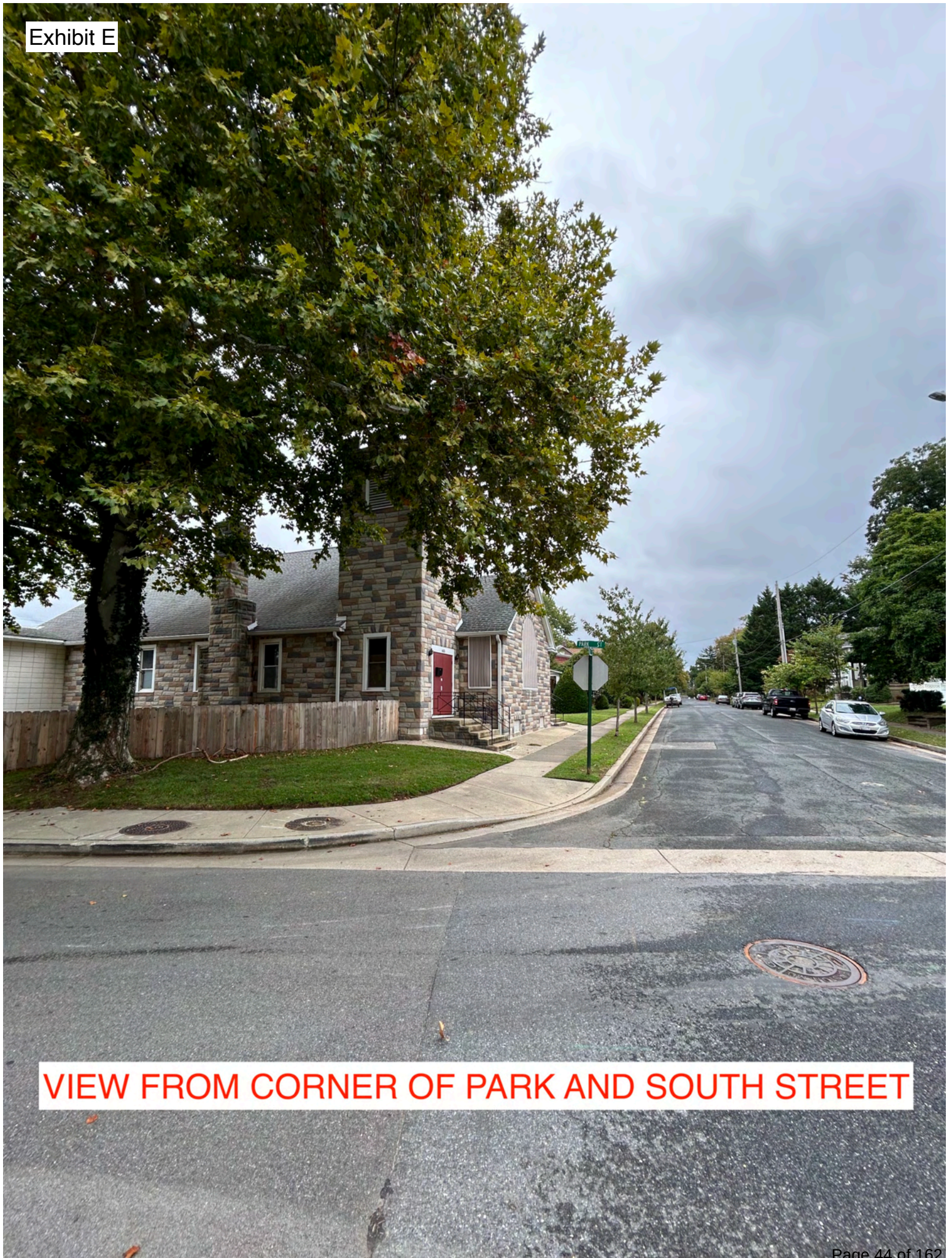






BUILDING SIDE A ENTERANCE

VIEW FROM PARK STREET



VIEW FROM CORNER OF PARK AND SOUTH STREET



VIEW FROM SOUTH STREET

RISE UP COFFEE

VIEW FROM PARK STREET



VIEW FROM FRONT LANE



TOWN OF EASTON

Planning & Zoning Department

14 South Harrison Street

P.O. Box 520

Easton, Maryland 21601

Easton Staff Development Review Worksheet

Date: October 24, 2024

Project: 605 South Street - Zoning Amendment

To: Mr. Kendrick Daly - Naima Ventures, LLC.

The Easton Staff Development Review (ESDR) Committee meeting was held on October 23rd at 10:00 am. Staff reviewed the annexation request on the property located at 605 South Street , also known as Tax Map 105, Parcel 1632.

It was determined by the Committee that the application may be scheduled for Planning Commission review contingent upon the Applicant addressing Section § 28-1404.A.7 from the Towns Zoning Ordinance and updating the zoning district reference to "CB" within your Narrative Letter. Please submit all revised documents.

The next Planning Commission meeting is scheduled for **Thursday, November 21, 2024 at 1:00 pm.**

Submit all documentation to the Planning and Zoning Department no later than Monday, October 28th at 1:00 pm. All files for presentation at the Planning Commission need to be provided on a flash drive. In addition, provide a digital submittal (via email) of all supporting documents necessary for the Planning Commissions review, including six paper copies.

Please contact the Planning & Zoning Department at 410 822-1943 with any questions.

Sincerely,

Joseph A. Mayer
Plan Reviewer



TOWN OF EASTON PLANNING & ZONING DEPARTMENT

P.O. Box 520
Easton, Maryland 21601
410-822-1943
www.EastonMD.gov

DATE: October 16, 2024
TO: Kendrick Daly – Naima Ventures, LLC.
Cc: Miguel Salinas – Director of Planning & Zoning Department
Rick VanEmburch – Town Engineer

FROM: Joseph A. Mayer - Plan Reviewer, Planning & Zoning Department
SUBJECT: 605 South Street

We reviewed the **September 25, 2024** Zoning Amendment Application for the Subject Project and have the following comments:

PLANNING & ZONING COMMENTS

Sketch Site Plan Review #1

§ 28-1404 BASIS FOR APPROVING REZONING

A. Where the purpose and effect of the proposed amendment is to change the zoning classification of a specific parcel of land, the Town Council shall make findings of fact in each specific case including, but not limited to, the following matters:

- 1) *The relationship of such proposed amendment to the Town's Comprehensive Plan.*

The proposed amendment is consistent with some aspects of the Town of Easton Comprehensive Plan (2010) and not with others. Most notably, it is inconsistent with the Plan's Future Land Use Map as it depicts the parcel as residential. However, the existing building is aligned to commercial properties to the north of the property and has a long history of non-residential use. Rezoning from Residential Zoning District ("R-7A") to Central Business Commercial Zoning District ("CB") would conform with the Economic Development goals of the Plan by bringing additional businesses to expand the economic base and encourage diversification of the commercial base. Thus, permitting commercial development to attract desirable businesses and enable existing businesses to flourish as well.

- 2) *The recommendation of the Planning and Zoning Commission.*

The Planning Commission needs to determine a recommendation to the Town Council for rezoning.

3) *Population change.*

Given the size of the parcel, it's not expected to generate significant population change.

4) *Availability of public facilities.*

There are available public facilities along Park Street and South Street for the rezoning and potential development. The existing public water and sewer will serve the property for commercial use.

5) *Present and future transportation patterns.*

Any adverse impacts to future transportation patterns occurring as a result of the rezoning classification will be determined with any future development proposal or change of land use.

6) *Compatibility with existing and proposed development for the area.*

The property is adjacent to several parcels to the north that are categorized within the Central Business Commercial District and the remaining surrounding parcels are within the R-7A Residential District. The existing building has been occupied as a non-residential use for a majority of time, although it, and all other properties on the same block have long been zoned residentially. .

It is worth noting that the realtor who had the listing of the property at the time of the last Comprehensive Rezoning in 2021, formally requested that it be rezoned from residential to commercial. The Planning Commission (and ultimately, the Town Council) was not in favor of that change, but did decide to extend the boundaries of the Planned Redevelopment Overlay District to encompass the property. That affords it greater flexibility, but with the base zoning remaining residential, it is limited in the degree to which it can have commercial uses to those "that are permitted in the underlying zoning district..." (Section 28-501 C 3 d). This allows a great deal of flexibility with regards to the development standards associated with the property, but no additional flexibility with regards to permitted uses. Presumably, the Applicant would like greater flexibility regarding potential uses.

7) *Whether the applicant has demonstrated that there has been a substantial change in the character of the neighborhood where the property is located, that there was a mistake in the existing zoning classification or that the current zoning classification of the property deprives the owners thereof of all beneficial use of the property.*

The property has functioned as a non-residential use for the majority of the time.

Note:

Staff does recommend the applicant to list potential uses intended for the property. The Planning Commission and the Town Council may inquire about the proposed use prior to making a determination.

Plan Review Status

Sketch Site Plan Review			Comments
Plans Approved	☐ Y	☒ N	Please review the comments above. Revise and resubmit.
Forest Stand Delineation & Forest Conservation Plan			
☐ Required ☐ Submitted ☐ Approved ☒ Not Required			<i>The Easton Forest Conservation Requirements of the Town Code, Article III, § 31-3.1 Relevance, states that the requirements are applicable to any person making application for a subdivision, project plan, grading, or sediment and erosion control approval on units of land 40,000 square feet or greater after the effective date of the Ordinance.</i> Analysis - The development of this site is within the priority funding area that's within the proximity of residential dwellings. The overall site area is 14,244 square feet and is under the required 40,000 square foot minimum. Therefore, Forest Conservation is not required.
Other			
☒ Required ☐ Submitted ☐ Approved			<u>IMPACT FEES</u> Please note, there will be a required Impact Fee for all proposed buildings and/or additions. The Town's Impact Fees and Inspection Fees are to be paid upon the time you pick up your Building Permit. Please provide building square footage with appropriate use for calculation of Impact Fee. Talbot County Impact Fees are due prior to obtaining your Building Permit. Please provide receipt of payment to the Town's Building Inspection Division. Please add estimated Town Impact Fee calculations to cover sheet and add note below calculations; "Note: The Impact Fee indicated in this notation shall not be construed as vested and until submission of the building application."

Please contact me if you have any questions. Thank you.



TOWN OF
EASTON
ENGINEERING DEPARTMENT

DATE: October 23rd, 2024
TO: Kendrick Daly – Naima Ventures LLC
Cc: Rick Van Emburgh – Town Engineer
Lynn Thomas – Town Planner
Aaron Goller – EUC
FROM: Sierra Clem – Engineering Department
SUBJECT: 605 South Street Rezoning Request – ESDR

Our Office has reviewed the application received 10/16/2024. At this time our office has no comments regarding the rezoning request. Please submit an ESDR, Grading or ROW permit as applicable if the scope of work includes site changes.

Please contact our office if you have any questions.

Thank you.



EASTON UTILITIES

Life. Made better.™

Easton Utilities Commission

Plan Review Comments

Date: 10/09/24

To: Sierra Clem; Nancy Pinkney

From: Kia Gibbs on behalf of Aaron Goller, PE

No. of Pages: 1

Regarding: 605 South Street

Phase: Miscellaneous

SUBM: 1

Status: Approved

Easton Utilities Commission has reviewed the above referenced plans do not have any comments to provide.

Please contact Kia Gibbs, Admin Support at kgibbs@eucmail.com should you have any questions.



Town of Easton

Engineering, Planning and Zoning

14 S. Harrison Street Easton, MD 21601 410-822-1943

Planning Commission

Thursday, September 17, 2020

1:00 P.M.

Call to Order

Approval of Minutes of previous meeting: 2020-08-20 Meeting Minutes

NEW BUSINESS:

1. **Applicant:** Alexander M. Bond – Avalon Foundation, Inc.
Owner: Talbottown Holdings LLC
Location: 218 N. Washington Street
Nature of Request: The applicant requests an extension of a Temporary Use for a Special Event, allowing a 60' x 100' tent to remain until the end of February, 2021. The tent will be located on the rear parking lot of Talbottown. Temporary electric and restroom facilities will be provided. Eventually, the applicant intends to make the tents location permanent.

2. **Locations:** See Below
Nature of Request: Planning Commission review and consideration of request for Consideration of Rezoning pursuant to their on-going update of the zoning ordinance. Applications for consideration of rezoning have been received for properties located as follows: 16 South Aurora Street (Current R-7A, requested CG); 134 & 136 South Washington Street (Current R-7A, requested CR); 140 South Washington Street (Current R-7A, requested CR); Land between US Route 50 and the Chapel Farms Subdivision/RTC Park (Current R-10A, requests R-10A and CG); 605 South Street (Current R-7A, requests CR); 512 Glenwood (Current R-7A, requests CR) and several staff-initiated considerations to include the reclassification of all I-1 zoned property to either BC or I, the possible rezoning of two Talbot County-owned properties (Emergency Serviced Building and Courthouse) to the Governmental/Institutional (G/I) District, and consideration of possible reclassification of I-1 designated properties adjacent to and near the Rail-Trail.

MOTION TO ADJOURN:



MINUTES OF THE

September 17, 2020 Meeting of the

Town of Easton Planning & Zoning Commission

Hybrid Public Hearing Held Via Zoom Conference Call and In-Person

Members Present: Tal Bone – Chairman, Paul Weber – Co-Chairman, Don Cochran, Victoria McAndrews, Dick Tettelbaum (Attended via Zoom) and Jennifer Dindinger (Attended via Zoom)

Staff Present: Lynn Thomas - Town Planner, Sharon Van Emburgh – Attorney, Rick Van Emburgh – Town Engineer; Katie Reedy – Assistant Town Engineer, Joe Mayer – Plan Reviewer, Nancy Pinkney – Administrative Specialist

Approval of Minutes

Upon Motion by Mr. Weber and second by Mr. Cochran, the Commission voted 5-0 to approve the August 20, 2020 meeting minutes.

218 N. Washington Street Alexander M. Bond, Avalon Foundation, Inc.

Mr. Alexander M. Bond of the Avalon Foundation, Inc. was present to request a Temporary Use for a Special Event, allowing a 60'x100' tent to remain until the end of February, 2021. The tent will be located on the rear parking lot of Talbottown. Temporary electric and restroom facilities will be provided. Mr. Bond intends to possibly make the tent location permit.

Mr. Tettelbaum recused himself from the meeting.

Mr. Bone asked Mr. Bond if the Avalon Foundation has written permission to use the property that was shown in the drawings. Mr. Bond responded he does have written permission and can provide the document to the Planning Commission members.

Mr. Weber mentioned the issues concerning amplified music. Mr. Bond responded that they set up a PA with no tent around it at a decibel level of 110 at the tent location and drove to the closest residential area. He stated you could hear the music on Creamery Lane but not that loud. You could hear the music on someone's lawn but not inside of the home. On Aurora Street, you could not hear anything but on North Street on the corner, you could hear on the lawn but not inside. The most difficult issue would be the apartments behind Marlboro Avenue. He said the sound is bouncing off of the NAPA Auto wall. He stated that they will be put up a barrier to reflect the sound back to the tent.

Mr. Cochran asked about the hours of the events. Mr. Bond replied that shows normally last a couple of hours. He said shows start at 7:00 PM or 8:00 PM and are normally done by 10:00 PM.

Mr. Bone opened the floor to the public for any questions or comments.

Mr. Al Silverstein, representing Ward 1, stated he was disappointed in Mr. Bond for not reaching out to him to hear the sound of the music. He said the Avalon Foundation does a wonderful job. He asked Mr. Bond if he would invite him to come out and redo those decible tests again.

Upon motion by Mr. Weber and second by Mrs. McAndrews, the Commission voted 4-0 to approve as submitted.

Locations for Consideration of Rezoning

Mr. Thomas received numerous applications for consideration of rezoning at various properties located at: 16 South Aurora Street (Current R-7A, requested CG); 134 & 136 South Washington Street (Current R-7A, requested CR); 140 South Washington Street (Current R-7A, requested CR); Land between US Route 50 and the Chapel Farms Subdivision/RTC Park (Current R-10A, requests R-10A and CG); 605 South Street (Current R-7A, requests CR); 512 Glenwood (Current R-7A, requests CR) and several staff-initiated considerations to include the reclassification of all I-1 zoned property to either BC or I, the possible rezoning of two Talbot County-owned properties (Emergency Serviced Building and Courthouse) to the Governmental/Institutional (G/I) District, and consideration of possible reclassification of I-1 designated properties adjacent to and near the Rail-Trail. Mr. Thomas described the various Staff Recommendations for each application.

Lapidis Property (Land between US Route 50 and the Chapel Farms Subdivision/RTC Park)

Mr. Showalter was present on behalf of the owners of the Lapidis property to request change in zoning from the current R-10A to R-10A and CG.

Mr. Tettelbaum recused himself from the meeting.

Mr. Bone opened floor to the public. Mr. Jeff Goodman, one of the co-executors of the Norris Taylor Estate and lives at 8846 Teal Point Road, stated the commercial market on Route 50 is quite soft and that there are numerous vacancies on Route 50. He suggested the CL designation is more appropriate than CG if the Commission were to entertain a change to commercial.

Upon motion by Mr. Weber and second by Mr. Cochran, the Commission voted 4-0 to approve the rezoning from R-10A to the combination of R-10A and CL.

411 Needwood Avenue – Tim Miller

Mr. Tim Miller was present to request change in the zoning from the R-7A to CR. The building originally was the Church of God.

Mr. Tettelbaum rescused himself from the meeting.

Mr. Bone opened floor to the public. There were no comments.

Upon motion by Mr. Weber and second by Mrs. McAndrews, the Commission voted 4-0 to continue the existing zoning of R-7A but to also include the property in the Planned Redevelopment district.

140 South Washington Street

Mr. Zach Smith was present on behalf of Terry and Patricia Dietrich to request change in zoning from R-7A to CR. The building was a single-family home and doctor's office many years ago.

Mr. Smith recommended the property could be used as a duplex or have mixed usage with commercial on the first floor and residential on the second floor.

Mr. Smith mentioned the Dennis', owners of the property at 134 and 136 S. Washington, have spoken with the Dietrich's, owners of 140 S. Washington Street, concerning the same zoning change.

Mrs. McAndrews asked if the Commission could vote on the two requests for 134 and 136 S. Washington Street since the applicants were not present. Mr. Bone responded yes.

Upon motion by Mr. Weber and second by Mrs. McAndrews, the Commission voted 5-0 to approve the request for 134, 136 and 140 S. Washington Street zoning change from R-7A to CR.

16 S. Aurora Street

Mr. Mark Higgins was present to request zoning change from R-7A to CG. The building was built as a commercial building. It was at one time a pool company.

Upon motion by Mr. Tettelbaum and second by Mrs. McAndrews, the Commission voted 5-0 to approve the request as submitted.

512 Glenwood Avenue

Mr. Lewis D. Thomas was present to request zoning change from R-7A to CG. Mr. Thomas wanted to make change because his tenant's asked him if they could do a daycare or fruit stand/Catering. He thought changing the zoning would help. He said the area would be growing with the Port Street project.

Mr. Lynn Thomas said if you make this zoning change it would be spot zoning. Mr. Thomas suggested one way to avoid this issue would be by bringing more properties in at the same time, assuming such property owners were interested in such an action.

Upon motion by Mr. Tettelbaum and second by Mrs. McAndrews, the Commission voted 5-0 to deny the request as submitted.

Reclassifications from I-1 to BC or I

Mr. Thomas described the need to change the zoning of all I-1 to BC or I. Mr. Thomas provided Planning Commission members with a map for the reclassification of I-1 to BC. The areas proposing to make I are the properties located the near Airport on Glebe Park Drive and Airpark Drive and the Clifton Industrial Park on Industrial Park Road. All the others indicated on the map would be BC.

Upon motion by Mr. Tettelbaum and second by Mrs. McAndrews, the Commission voted 5-0 to approve the proposal as submitted.

Emergency Service Building and Courthouse

Mr. Thomas described a potential zoning change from A-1 to G/I as suggested by Staff. Mr. Thomas explained that the original suggestion was only for the Talbot County Emergency Management Center, but added you could apply the same Zoning to the Courthouse and extend the zoning westward to library, jail, police department and district court.

Upon motion by Mr. Bone for Staff to change government zoning for 605 Port Street, Courthouse and State Police and Armory building.

Upon amended motion by Mr. Bone and second by Mr. Tettelbaum, the Commission voted 5-0 Staff to change the zoning of all government use buildings and properties be identified as G/I zoning.

Maintain Mixed of Uses that is represented on the Railroad Corridor and include in the Land Redevelopment

Mr. Bone proposed postponing the discussion for next meeting.

Workshop

Mr. Thomas will set up workshop session for November 5th at 10:00 AM.

ADJOURNMENT

There being no further business the meeting was adjourned at 3:17 p.m. by motion of Mr. Tettelbaum and second by Mr. Cochran.



MEMORANDUM

TO: EASTON PLANNING AND ZONING COMMISSION

FROM: LYNN B. THOMAS, JR., AICP, TOWN PLANNER

DATE: SEPTEMBER 10, 2020

SUBJECT: COMPREHENSIVE REZONING REQUEST CONSIDERATIONS

The primary item on your Agenda for next Thursday's meeting is a review and consideration of the requests that we have received for consideration of rezoning pursuant to your ongoing comprehensive revision of the Zoning Ordinance, part of which includes the Zoning Map. You might recall that this item was actually on your Agenda for the March Meeting, but that was the first casualty among your meeting schedule due to COVID-19 restrictions.

Since that March meeting, I have talked to at least 3 or 4 people who sounded interested in requesting a consideration for rezoning, but only one of those actually submitted a form. That is for 512 Glenwood Avenue. The request lacks a lot of detail and indicates they want to rezone from "Residential" to "Commercial/Residential" but I think we can interpret that to mean it is a request for the Downtown or CR (Central Business District) zoning classification. I'm not sure the applicant cares so long as it is to a zoning classification that allows him to have a mix of uses on his property.

Attached herewith are copies of the requests received as well as a reprint of the memo I prepared in March (12th) in advance of your scheduled review at that time. That memo identifies a handful of staff-suggested rezonings as well as the ones we received from the public. They will likely warrant some discussion between Commission and Staff.

I have two additional points to address in this memo that are not covered in my March memo. The first is the 512 Glenwood request. Obviously since we only just received it, it was not addressed in March. Similar to comments made relative to 605 South Street, I do not believe CR is appropriate for the property as CR is the "Downtown Zoning". I believe as such it does not make sense to have isolated or separated parcels of CR. It would also represent an island of commercial zoning surrounded by residential. If you are of a mind to consider it for CR, I think it should somehow be connected to where CR now ends, which is at Hammond Street. An alternative would be to consider the parcel for CG Zoning. I don't think a rezoning to CG requires connecting to Downtown, although it should involve more than one fairly small parcel.

This kind of segues into my second point and that is the question of what the appropriate zoning is for Port Street between the Parkway and Washington Street. The same question perhaps applies to Glenwood as it provides a secondary link between Downtown and the Waterfront.

You may recall that during the process of drafting the Port Street Small Area Plan and the MXW Zoning that followed, we talked about things like a desire to have Port Street visually connect the Easton Point and Downtown, opportunities to encourage mixed uses and perhaps a somewhat more dense/more intense scale

of development (certainly than exists for the western half or so of the corridor). If that is still desired, I think there are at least three possibilities for accomplishing that:

1. Expand the Planned Redevelopment District to encompass all of Port Street to the Parkway.
2. Rezone the R-7A parcels that the majority of this stretch is currently zoned, presumably to CR to correspond to an extension of Downtown towards the waterfront.
3. Create a new zoning classification for this (and maybe Glenwood) corridor.

I should also point out that we spent a lot of time revising the PUD and I think some among us had this corridor in mind when making those revisions and so perhaps you think that is sufficient to at least enable the kind of development/redevelopment you envision there. Finally, I should also add that some of these options could work in combination. That is, you could expand the PRD and also rezone the parcels.

Mark Higgins
PO Box 398
Easton, MD 21601

December 27, 2019

Town of Easton
14 So. Harrison Street
Easton, MD 21601

To whom it may concern:

The property I am requesting for rezoning is located at 16 S. Aurora Street in Easton.

The property is currently being used for commercial activities with residential on the second floor. The building was built in 1948 and appears to have been built for commercial activities and is one of the few properties on Aurora Street with a parking lot.

The neighboring properties are currently zoned commercial or have a commercial and residential use.

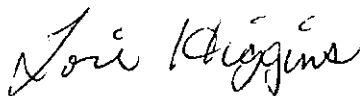
We currently have no plans to make any changes with the use but we believe a change of zoning would be more appropriate in keeping with the area.

Thank you for your consideration in this proposed change.

Best regards,



Mark P. Higgins



Lori E. Higgins

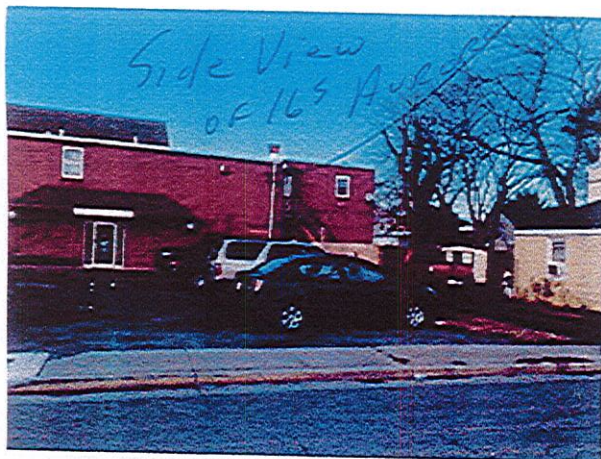


TOWN OF EASTON

REQUEST FOR CONSIDERATION FOR REZONING OF PROPERTY

PURSUANT TO THE 2019 COMPREHENSIVE ZONING ORDINANCE UPDATE

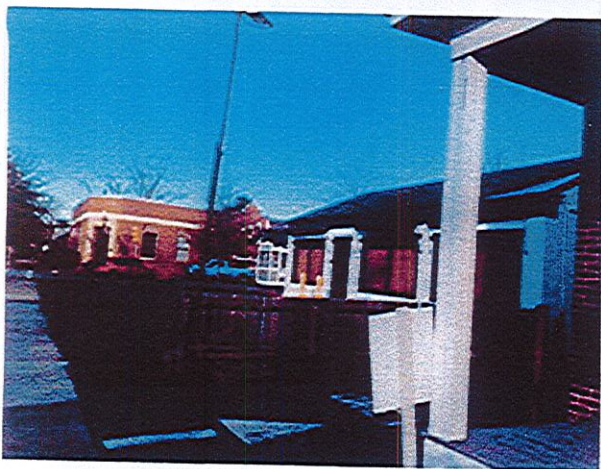
Property Information				
Property Owner: MARK + Leri Higgins				
Address: 16 S. Aurora St Easton, Md 21601				
Tax Map: 104	Parcel: 1574	Lot: 11- 28x88, 61x98		
Current Zoning of Property: R7-A		Requested Zoning: C-6		
Contact Information				
Name: MARK Higgins				
Mailing Address: 28610 Edgemere Rd Easton Md				
Telephone Number: 410-310-1396		Email Address: mhiggins28610@yahoo.com		
Connection to Property (check all that apply):	Owner? ☒	Attorney? ☐	Surveyor/Engineer? ☐	Other? ☐
Justification				
Please attach a written justification for the requested rezoning classification. Why is the requested zoning more appropriate than the existing zoning? What type of development do you hope to accommodate with the desired zoning? How does this fit in with the existing neighborhood? Feel free to include aerial photos, conceptual site plans or elevations, or any additional information that you believe is appropriate to an understanding of your request.				
Certification				
I hereby certify that the information is, to the best of my knowledge, true and accurate and further, that I am the owner of the subject property or his/her authorized representative.				
Signature of Landowner or Agent: Mark R. Higgins Leri Higgins				
Printed Name MARK Higgins		Date: 12-10-19		



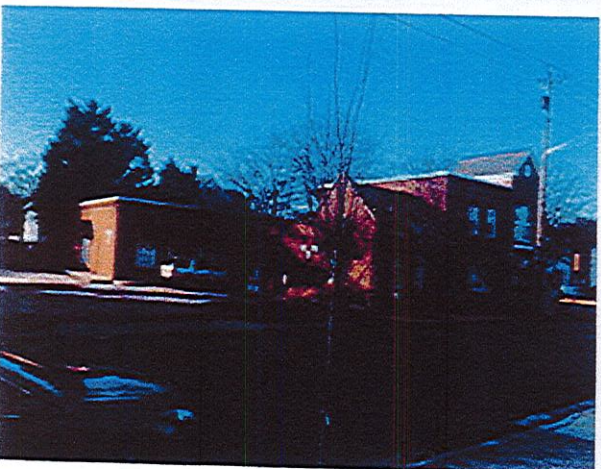
Side View
of 16 S. Aurora St.



Across the street

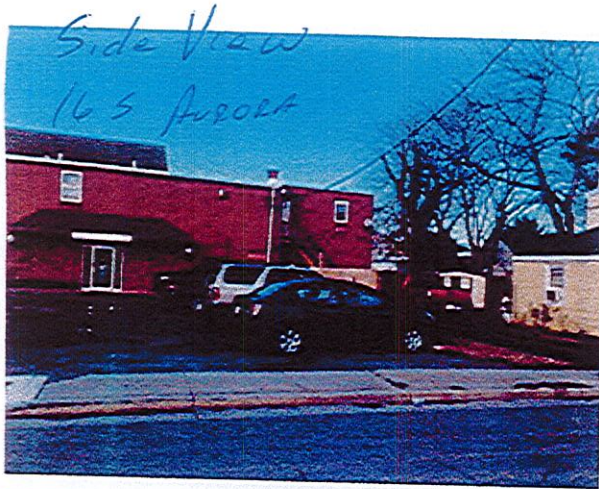


Subject:
16 S. Aurora St
Easton

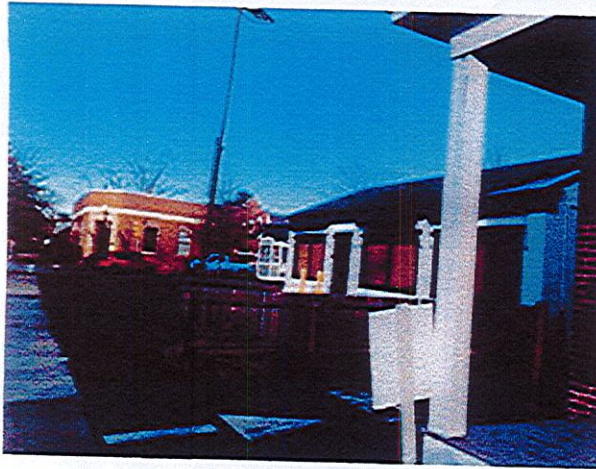


Neighboring Building



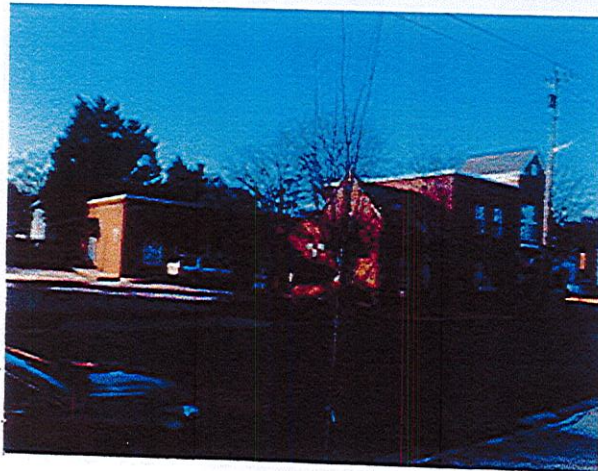


Across the St.



Subject:
16 S. Aurora St
Easton

Neighboring
Property



[View Map](#)[View GroundRent Redemption](#)[View GroundRent Registration](#)

Tax Exempt: None

Special Tax Recapture: None

Exempt Class: None

Account Identifier:

District - 01 Account Number - 001507

Owner Name:	HIGGINS MARK P HIGGINS LORI E	Use:	COMMERCIAL
Mailing Address:	28610 EDMERE RD EASTON MD 21601-8346	Principal Residence:	NO
		Deed Reference:	/00938/ 00018

Premises Address:	16 S AURORA ST EASTON 21601-0000	Legal Description:	LOT 11-28X88, 61X98 E/S S AURORA ST EASTON
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Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0104	000EA	1574	10500.21	0000				2019	
									Plat Ref:

Special Tax Areas: None

Town:	EASTON
Ad Valorem:	None
Tax Class:	None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1948	5,190 SF		8,442 SF	

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
		LAUNDROMAT	/	C3			

	Base Value	Value As of 01/01/2019	Phase-in Assessments	
			As of 07/01/2019	As of 07/01/2020
Land:	162,500	162,500		
Improvements	140,300	133,300		
Total:	302,800	295,800	295,800	295,800
Preferential Land:	0			0

Seller: AYERS, PAUL B AND BARBARA C	Date: 07/27/1999	Price: \$170,000
Type: ARMS LENGTH IMPROVED	Deed1: /00938/ 00018	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Partial Exempt Assessments:	Class	07/01/2019	07/01/2020
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00

Tax Exempt: None

Special Tax Recapture: None

Exempt Class: None

Homestead Application Status: No Application



TOWN OF EASTON

REQUEST FOR CONSIDERATION FOR REZONING OF PROPERTY

PURSUANT TO THE 2019 COMPREHENSIVE ZONING ORDINANCE UPDATE

Property Information				
Property Owner: <i>Gregory and Laura Dennis</i>				
Address: <i>134 S. Washington St. EASTON</i>				
Tax Map: <i>104</i>	Parcel: <i>1977</i>	Lot: <i>000</i>		
Current Zoning of Property: <i>R-7A</i>		Requested Zoning: <i>CR-Downtown Central Business District</i>		
Contact information				
Name: <i>Laura Dennis</i>				
Mailing Address: <i>134 S. Washington St.</i>				
Telephone Number: <i>410 822-5220</i>		Email Address: <i>peachblossoms@goeaston.net</i>		
Connection to Property (check all that apply):	Owner? ☒	Attorney? ☐	Surveyor/Engineer? ☐	Other? ☐
Justification				
Please attach a written justification for the requested rezoning classification. Why is the requested zoning more appropriate than the existing zoning? What type of development do you hope to accommodate with the desired zoning? How does this fit in with the existing neighborhood? Feel free to include aerial photos, conceptual site plans or elevations, or any additional information that you believe is appropriate to an understanding of your request.				
Certification				
I hereby certify that the information is, to the best of my knowledge, true and accurate and further, that I am the owner of the subject property or his/her authorized representative.				
Signature of Landowner or Agent: <i>[Signature]</i>				
Printed Name: <i>Laura Dennis</i>		Date: <i>11/19/19</i>		



TOWN OF EASTON

REQUEST FOR CONSIDERATION FOR REZONING OF PROPERTY

PURSUANT TO THE 2019 COMPREHENSIVE ZONING ORDINANCE UPDATE

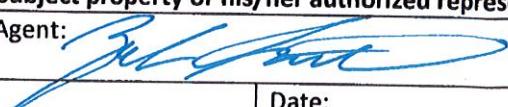
Property Information				
Property Owner: <i>Gregory and Laura Dennis</i>				
Address: <i>136 S. Washington St. EASTON</i>				
Tax Map: <i>104</i>	Parcel: <i>1976</i>	Lot: <i>000 7-40x137</i>		
Current Zoning of Property: <i>RCA R-7A</i>		Requested Zoning: <i>CR</i>		
Contact information				
Name: <i>Laura Dennis</i>				
Mailing Address: <i>134 S. Washington St. Easton</i>				
Telephone Number: <i>410-822-5220</i>		Email Address: <i>peachblossoms@goeaston.net</i>		
Connection to Property (check all that apply):	Owner? ☒	Attorney? ☐	Surveyor/Engineer? ☐	Other? ☐
Justification				
Please attach a written justification for the requested rezoning classification. Why is the requested zoning more appropriate than the existing zoning? What type of development do you hope to accommodate with the desired zoning? How does this fit in with the existing neighborhood? Feel free to include aerial photos, conceptual site plans or elevations, or any additional information that you believe is appropriate to an understanding of your request.				
Certification				
I hereby certify that the information is, to the best of my knowledge, true and accurate and further, that I am the owner of the subject property or his/her authorized representative.				
Signature of Landowner or Agent: <i>[Signature]</i>				
Printed Name: <i>Laura Dennis</i>		Date: <i>11/19/19</i>		



TOWN OF EASTON

REQUEST FOR CONSIDERATION FOR REZONING OF PROPERTY

PURSUANT TO THE 2019 COMPREHENSIVE ZONING ORDINANCE UPDATE

Property Information				
Property Owner: Terry P. and Patricia S. Detrich, Trustees				
Address: 140 S. Washington Street, Easton				
Tax Map: 104	Parcel: 1975	Lot: N/A		
Current Zoning of Property: R7A		Requested Zoning: CR		
Contact information				
Name: Zachary A. Smith				
Mailing Address: Armistead, Lee, Rust & Wright, P.A., 114 Bay Street, Building C, Easton, MD 21601				
Telephone Number: (410) 819-8989		Email Address: zachsmith@alrwlaw.com		
Connection to Property (check all that apply):	Owner? ☐	Attorney? ☒	Surveyor/Engineer? ☐	Other? ☐
Justification				
Please attach a written justification for the requested rezoning classification. Why is the requested zoning more appropriate than the existing zoning? What type of development do you hope to accommodate with the desired zoning? How does this fit in with the existing neighborhood? Feel free to include aerial photos, conceptual site plans or elevations, or any additional information that you believe is appropriate to an understanding of your request.				
Certification				
I hereby certify that the information is, to the best of my knowledge, true and accurate and further, that I am the owner of the subject property or his/her authorized representative.				
Signature of Landowner or Agent: 				
Printed Name Zachary A. Smith		Date: 11/21/2019		

ZONING REQUESTS FOR 140 S. WASHINGTON STREET

Applicant requests: (i) that 140 S. Washington Street be rezoned to CR, and (ii) that the text amendments described below be adopted.

Background & Discussion

Until recently, the property known as 140 S. Washington Street (the "Property") has been used by the current owner as an office for his medical practice. The structure appears to have originally been built as a residence, but was converted to office space long ago. For some period of time, there was an apartment on the second floor, but the need to utilize that space as part of the office displaced the apartment at some point. For the past several decades, the entire building has been used by the current owner exclusively as a medical office. There is also a commercial parking lot on the Property that serves the office use.

The Property is situated on a relatively busy portion of Washington Street, very near to what all would regard as the "downtown." The hospital is within a block south of the Property, and one of the parking lots for the hospital is directly across Washington Street. There are two lots between the Property and the CR Zone to the north, known as 134 and 136 S. Washington Street, both of which are the site of a single residence with an approved home occupation. Under the approved home occupation the property owners operate a commercial kitchen used to support their catering company. The Applicant understands that the owners of 134 and 136 S. Washington Street are also seeking CR zoning through this process. To the north of 134 S. Washington Street is the Eastern Shore Land Conservancy complex, and many other commercial properties and uses beyond. The property to the south of the Property is known as 144 S. Washington Street, and has been converted into a multi-family building with what appears to be three (3) or four (4) apartment units. An office use was previously approved for 144 S. Washington Street, though no office use appears to currently exist there. The Applicant believes that the historic use of the Property and the surrounding context described above supports the requests made herein.

The Property is currently listed for sale, and several prospective purchasers have emerged, however none have indicated a desire to use the entire building as an office. Given its condition, any new user will likely need to renovate the space, and thus far, no one appears to be willing to make the investment that will be necessary to rehabilitate the building if the permitted use of space will be limited to only office use or a single-family residence. Prospective purchasers have expressed a desire to either: (i) convert the existing building to a mixed-use building with an office on the first floor and a residential apartment unit above, or (ii) to convert the existing building to a duplex with two (2) apartment units, having one (1) unit on each floor. Both of the proposals described above are appropriate uses of the Property under the circumstances, and both comport to the objectives of the Comp Plan and to the expressed desire by the Planning Commission and staff to encourage traditional infill development and additional housing in and around downtown. Unfortunately, however, the existing R-7A zoning will not allow either of the proposals described above to proceed. For that reason, and after consulting with the planning staff, the Applicant is seeking the requests outlined herein. The Applicant fears that if these requests, or some portion thereof, are not granted, that the building may remain vacant for the foreseeable future, which

obviously is not good for the Applicant, the surrounding area, or the Town in general. The Property is situated in an important and highly visible location, and the revitalization of the Property will therefore contribute positively to ongoing efforts to strengthen and enhance the downtown area.

Zoning Map Amendment

The Applicant requests that the zoning of the Property be changed from R-7A to CR. Applicant believes that such a change will facilitate needed investment into the Property, and will result in either a mixed-use building with an office below and a residential apartment above, or alternatively a duplex with two (2) residential apartment units.

Zoning Text Amendments

In addition to the above (or perhaps as an alternative), Applicant requests consideration of the following text amendments, which will promote the traditional development described above:

- Consider making "Multiple Uses" a permitted or special exception use in the R-7A. Currently, both office and apartment uses are permitted as special exceptions in the R-7A, but "Multiple Uses" are listed as not permitted. If the designation in the Table of Permissible Uses is changed to either 'P' or "SE," the owner of the Property and others who are similarly situated could seek a special exception to entitle the traditional mixed-use development that the Planning Commission and the Comp Plan have expressed support for.
- Consider expressly permitting upper story residential apartments as part of a "Special Office Use" in the R-7A. This use is permitted by special exception within existing historic structures located within the Town's Historic District. The intent behind this use classification is to encourage investment in structures that contribute to the Town's historic character. By permitting apartments to be incorporated into office uses entitled under this use group, additional housing could be created in and around downtown while encouraging traditional mixed-use structures and historic preservation.
- Consider permitting duplexes as special exceptions in the CR and R-7A zones on lots that do not meet the 150% of the minimum lot size requirement. The current regulations permit duplexes by right within the R-7A zone on lots that are at least 11,250 square feet. Duplexes are permitted by special exception in the CR zone on lots that are at least 7,500 square feet. Most of the lots in the R-7A and CR zones do not meet these size requirements. Rather than prohibiting duplexes altogether in these instances, consider permitting duplexes by special exception if the subject property is less than this threshold. Such a change will allow a more efficient use of land and encourage additional housing in and around downtown.

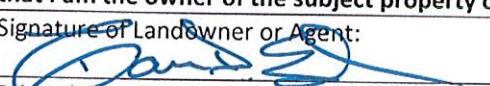
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TOWN OF EASTON



TOWN OF EASTON

REQUEST FOR CONSIDERATION FOR REZONING OF PROPERTY

PURSUANT TO THE 2019 COMPREHENSIVE ZONING ORDINANCE UPDATE

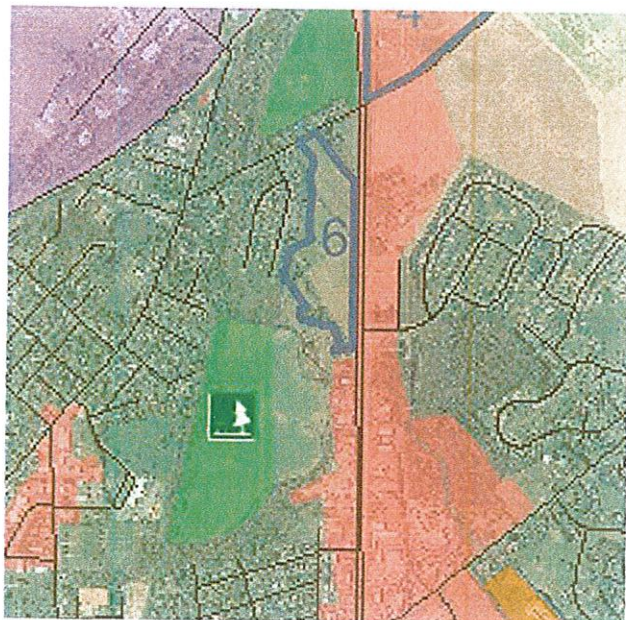
Property Information				
Property Owner: Easton Commerce Center Limited Partnership				
Address: Executive Center at Hooks Ln, 6 Reservoir Circle, Suite 103, Pikesville, MD 21208				
Tax Map: 100	Parcel: 4724B	Lot: 1		
Current Zoning of Property: R10A		Requested Zoning: R10A and CG		
Contact information				
Name: Ryan Showalter, Esq.				
Mailing Address: McAllister, DeTar, Showalter & Walker, 100 N. West Street, Easton, MD 21601				
Telephone Number: (410) 820-0259		Email Address: rshowalter@mdswlaw.com		
Connection to Property (check all that apply):	Owner? ☐	Attorney? ☒	Surveyor/Engineer? ☐	Other? ☐
Justification				
Please attach a written justification for the requested rezoning classification. Why is the requested zoning more appropriate than the existing zoning? What type of development do you hope to accommodate with the desired zoning? How does this fit in with the existing neighborhood? Feel free to include aerial photos, conceptual site plans or elevations, or any additional information that you believe is appropriate to an understanding of your request.				
Certification				
I hereby certify that the information is, to the best of my knowledge, true and accurate and further, that I am the owner of the subject property or his/her authorized representative.				
Signature of Landowner or Agent: 				
Printed Name Ryan D. Showalter		Date: 11/7/19		

**2019 COMPREHENSIVE REZONING REQUEST
EASTON COMMERCE CENTER LIMITED PARTNERSHIP**

The property that is the subject of this request consists of the southern portion of the parcel commonly referred to as the “Lapidus Property”. It is currently zoned R10A and is designated as Priority Development Area No. 6 by the Town’s Comprehensive Plan (Implementation Chapter, pp. 262-263).

Area 6 – Area 6 represents the large undeveloped area on the west side of Route 50, south of Chapel Road. Given its location, it is perhaps the parcel with the greatest development potential, at least in term of the number of options for development. Its elongated shape may preclude a true neighborhood style of development, but something along that line modified to accommodate the size and shape of the property seems in order. This would involve predominately residential development. The northern portion adjacent to Chapel Farms would be logical for continued single-family housing. The portion of the property that borders the RTC Park seems ideally suited for residential development fronting on this park. A small area for commercial development to serve the users of the Park is appropriate as well. Access to the Park from Route 50 should be provided across Area 6. Finally, the southern portion of the site could serve as a combination of transient commercial, offices and/or apartments, the latter two of which would seem ideally suited to overlook the park and greenway corridor.

Excerpt of Future Land Use Map



The subject property was the subject of a prior application for a Comprehensive Plan amendment, which proposed to designate the entire property for mixed-use development. Based on feedback received from residents of Chapel Farms, the existing residential community located west of the northern portion of the property, this proposal maintains R10A zoning to accommodate residential

uses between Chapel Farms and Route 50. This portion of the property could be developed for uses permitted by the existing zoning.

The portion of the property that is subject to this request is sandwiched between General Commercial zoned parcels fronting on Route 50 to the east and the Town's RTC park to the west and south of Chapel Farms. If rezoned, this land could accommodate a range of commercial uses appropriate for its location along Route 50 and in proximity to the park. Conceptual plans have not been prepared to date, but preliminary evaluation suggests that the ideal access configuration would align with Mulberry Drive and extend to the southwest to provide access to and supplemental parking for the RTC park.

We welcome the opportunity to participate in future conversations with the Town regarding this request and potential use of this property for the benefit of its owner as well as users of the RTC park.

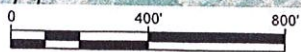
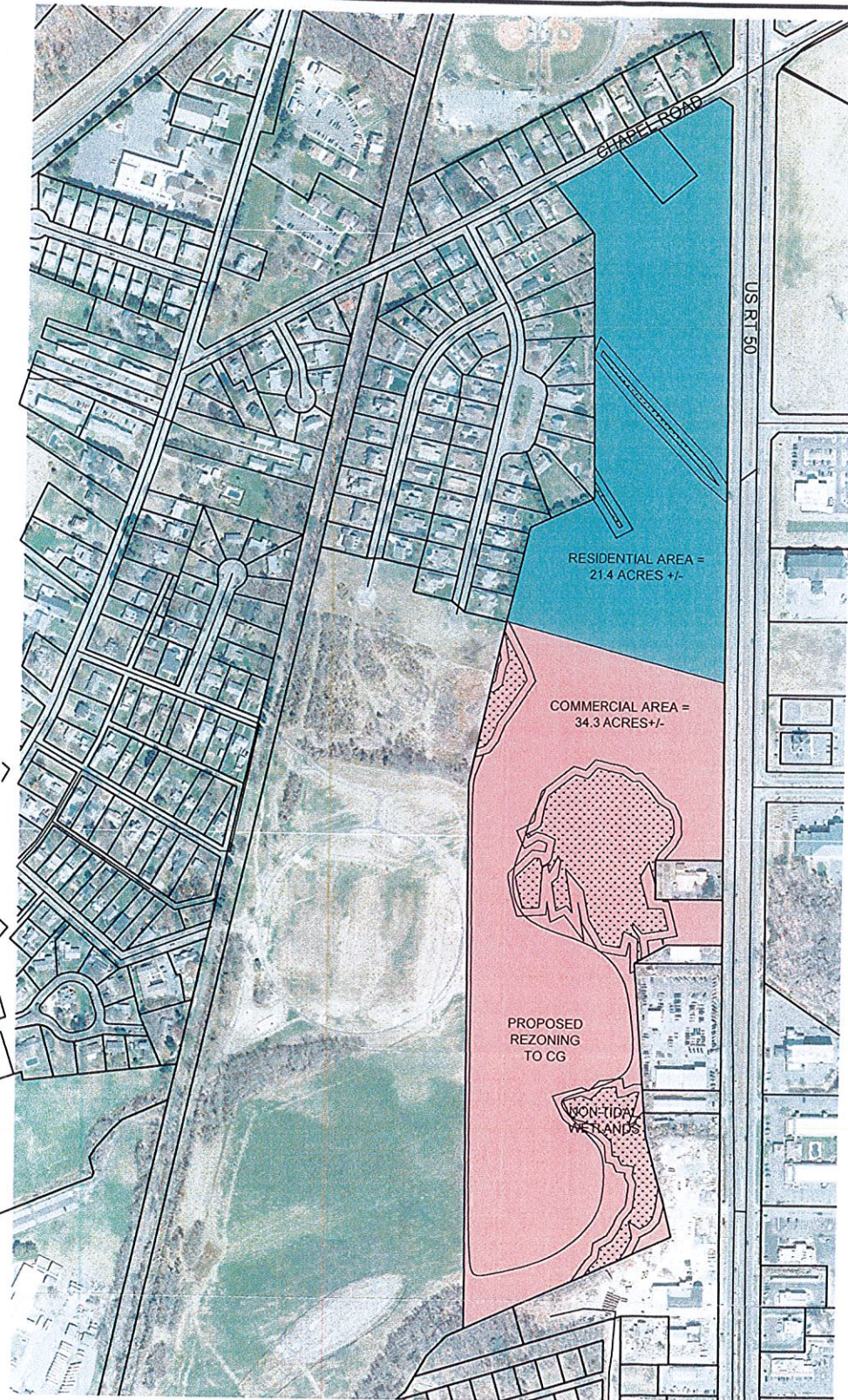


EXHIBIT		RAUCH inc. engineering design & development services office: 410.770.9081 fax: 410.770.3667 email: design@raucheng.com web: www.raucheng.com address: 106 N. Harrison St - Easton, MD 21601
OF THE LANDS OF		
EASTON COMMERCE CENTER LIMITED PARTNERSHIP		
FIRST ELECTION DISTRICT, TALBOT COUNTY, MARYLAND		
PREPARED FOR ALVIN LAPIDUS		
DRAWN BY: T.COCHRAN		
SCALE: 1" = 400'		
DATE: NOVEMBER 2019		
JOB NO. _____		



TOWN OF EASTON

REQUEST FOR CONSIDERATION FOR REZONING OF PROPERTY

PURSUANT TO THE 2019 COMPREHENSIVE ZONING ORDINANCE UPDATE

Property Information				
Property Owner: 411 Needwood L.L.C.				
Address: 605 South Street				
Tax Map: 105	Parcel: 1632	Lot:		
Current Zoning of Property: R7 A		Requested Zoning: CR		
Contact information				
Name: Tim Miller				
Mailing Address: 28102 Baileys Neck Rd, Easton MD 21601				
Telephone Number: 410-310-3553		Email Address: tmiller@NationalPremiumBeer.com		
Connection to Property (check all that apply):	Owner? ☒	Attorney? ☐	Surveyor/Engineer? ☐	Other? ☐
Justification				
Please attach a written justification for the requested rezoning classification. Why is the requested zoning more appropriate than the existing zoning? What type of development do you hope to accommodate with the desired zoning? How does this fit in with the existing neighborhood? Feel free to include aerial photos, conceptual site plans or elevations, or any additional information that you believe is appropriate to an understanding of your request.				
Certification				
I hereby certify that the information is, to the best of my knowledge, true and accurate and further, that I am the owner of the subject property or his/her authorized representative.				
Signature of Landowner or Agent: [Signature]				
Printed Name: Tim Miller		Date: 11-08-19		



RECEIVED
AUG 17 2020
TOWN OF EASTON

TOWN OF EASTON

REQUEST FOR CONSIDERATION FOR REZONING OF PROPERTY
PURSUANT TO THE 2019 COMPREHENSIVE ZONING ORDINANCE UPDATE

Property Information				
Property Owner: <u>Lewis D. Thomas</u>				
Address: <u>512 Glenwood Ave Easton Md 21601</u>				
Tax Map: <u>0104</u>	Parcel: <u>1347</u>	Lot: <u>55</u>		
Current Zoning of Property: <u>Residential</u>		Requested Zoning: <u>Commercial/Residential</u>		
Contact Information				
Name: <u>Lewis D. Thomas</u>				
Mailing Address: <u>203 Tubman Dr Easton Md 21601</u>				
Telephone Number: <u>410 924 9711</u>		Email Address: <u>clmax4972000@yahoo.com</u>		
Connection to Property (check all that apply):	Owner? ☒	Attorney? ☐	Surveyor/Engineer? ☐	Other? ☐
Justification				
Please attach a written justification for the requested rezoning classification. Why is the requested zoning more appropriate than the existing zoning? What type of development do you hope to accommodate with the desired zoning? How does this fit in with the existing neighborhood? Feel free to include aerial photos, conceptual site plans or elevations, or any additional information that you believe is appropriate to an understanding of your request.				
Certification				
I hereby certify that the information is, to the best of my knowledge, true and accurate and further, that I am the owner of the subject property or his/her authorized representative.				
Signature of Landowner or Agent: <u>Lewis D. Thomas</u>				
Printed Name: <u>Lewis D. Thomas</u>		Date: <u>8/15/20</u>		



MEMORANDUM

TO: EASTON PLANNING COMMISSION

FROM: LYNN B. THOMAS, JR., AICP, TOWN PLANNER

DATE: MARCH 12, 2020

SUBJECT: COMPREHENSIVE REZONING REQUESTS

One of the items on your agenda is part of the ongoing Comprehensive Revision of the Zoning Ordinance. That is consideration of requests for rezoning. You will recall that we “solicited” applications for consideration on two separate occasions. In total we received five such requests. As part of this process, the staff has some suggested revisions as well. All of the requests are shown through the attached maps prepared by Sierra.

The first request is from Mark Higgins and is for 16 South Aurora Street. The property is currently used as a Barber Shop and has off-street parking. If you leave the Town Office via the parking lot behind the building, take the first left onto South Lane and proceed straight over to Aurora, this property is just to the left of straight ahead of you at the stop sign. It is currently zoned R-7A and the applicant requests CG. If you can locate the property on the attached maps, you will note that it is the only parcel on Aurora in this block that is not zoned commercial (CG), although across the alley to the south, residential zoning begins. Parcels not fronting either Dover or Aurora in this block are also zoned residentially (R-7A). The staff supports this request as it seems consistent with longstanding land uses and a street or alley is generally a more logical zoning district boundary than a mid-block property line.

The second request involves two adjacent parcels, 134 and 136 South Washington Street and is connected to the third request, for 140 South Washington Street. These parcels are currently zoned R-7A and the applicants would like them to be zoned CR. The following description of the properties is pulled from Zach Smith’s letter submitted in association with the request for 140 South Washington Street and describes the situation very well:

The Property is situated on a relatively busy portion of Washington Street, very near to what all would regard as the "downtown." The hospital is within a block south of the Property, and one of the parking lots for the hospital is directly across Washington Street. There are two lots between the Property and the CR Zone to the north, known as 134 and 136 S. Washington Street, both of which are the site of a single residence with an approved home occupation. Under the approved home occupation the property owners operate a commercial kitchen used to support their catering company. The Applicant understands that the owners of 134 and 136 S. Washington Street are also seeking CR zoning through this process. To the north of 134 S. Washington Street is the Eastern Shore Land Conservancy complex, and many other commercial properties and uses beyond. The property to the south of the Property is known as 144 S. Washington Street, and has been converted into a multi-family building with what appears to be three (3) or four (4) apartment units. An office use was previously approved for 144 S. Washington Street, though no office use appears to currently exist there. The Applicant believes that the historic use of the Property and the surrounding context described above supports the requests made herein.

As perhaps Zach's description suggests, the area of these subject properties can be described as one of transition. Immediately adjacent to the north is the Eastern Shore Land Conservancy's building, a major redevelopment project that took a closed commercial laundromat and converted it into a mixed use space with offices, apartments, and a small coffee shop. Beyond that to the north the properties are zoned and used (predominately) commercially. Across Washington Street is the Hospital which will presumably be moving relatively soon, with the redevelopment/reuse of the existing building and parking lots (one of which is directly across the street) a major unknown at this point, but which certainly offers a significant redevelopment opportunity in this area (indeed, for the Town as a whole).

The block of the subject property as a whole contains a mix of zoning districts. As described above, some parcels are zoned CR and some are R-7A. At the southern limits of the block, the residential zoning switches to the slightly larger-lot R-10A. Staff supports these requests. Zach's letter concludes with some recommended text amendments as well, most, if not all, similar to those he suggested in comments at your January Special Meeting. I think they warrant serious consideration as well, although perhaps at another meeting, maybe one that focuses on possible changes to each of the base zoning districts.

The next application is for what is commonly referred to as "The Lapidus Property" located on the west side of Route 50, to the east of Chapel Farms Subdivision and the Town's RTC Park. You might recall that this was subject to a potential Comprehensive Plan Amendment back when you also amended the Plan to incorporate the work of the Port Street Small Area Plan. Ryan Showalter accurately summarizes that request in his application.

I believe this application warrants more discussion between Commission, Staff, and Applicant at your meeting. On the one hand, the request seems consistent with what was represented in conjunction with the aforementioned Comprehensive Plan Amendment. On the other hand, said amendment was never completed so such a rezoning would be at least arguably somewhat inconsistent with the current Comprehensive Plan language. That said, I don't believe it is absolutely essential to amend the Comprehensive Plan each and every time something comes along that is inconsistent with it, although I do think the circumstances for not doing so should be unique. Whether they exist in this instance or not is what I would like to discuss in more detail. For example,

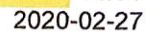
if you are very confident that the Comprehensive Plan Update coming up in a couple of years will include revisions that would then make this request consistent with said Plan, I don't think it is absolutely necessary to amend the Plan first, merely for the sake of jumping through the hoops in the appropriate order. I think the argument against doing so though is that it is likely that a Comprehensive Plan Amendment could be completed well before the Zoning Ordinance is adopted, so there is ample time to do so, even if we determined that we needed to readvertise for said amendment.

The final request from our public solicitations was from Tim Miller for the property located at 605 South Street, between Park Street, South Street, and Front Lane. It is the site of the former Knights of Columbus Building, south of the small shopping center (Park Place) where you recently spent a lot of time reviewing the request of Four Sisters for the Food Truck. This subject property is currently zoned R-7A and the applicant requests CR Zoning. Since the CR corresponds to the Downtown, if you were inclined to rezone the property, it would seem to be more appropriate as CG (as the properties fronting on Dover adjacent to the subject property are zoned), unless you wanted to take the more far-reaching action of rezoning all properties on (and near) Dover between Aurora and (at least) the subject property to CR. There might be some logic in such a move, but that is clearly a more significant action than has been requested or that we have previously discussed.

The staff spent a fair amount of time discussing this request. We concede that it is a fairly unique property situated in a way that is very much the example of an area in transition. In close proximity (indeed, all adjacent) there are residentially, industrially, and commercially zoned properties. It is worth noting though, that all properties on the same block as the subject property are zoned R-7A. We support greater flexibility for the property, but are not sure that completely opening it up for commercial redevelopment is the best solution. We therefore concluded that the best solution may well be to maintain the current R-7A zoning, but to also amend the adjacent Planned Redevelopment Overlay District so as to include the parcel in the PR. This will open the door slightly to commercial usage, but significantly to flexibility regarding development standards like density, setbacks, height limits, etc.

Beyond these submitted requests, the staff is recommending a handful of rezonings ourselves. We will cover these in greater detail at the meeting, but briefly they are:

- Rezoning all I-1 properties to either BC or I (as has been discussed for some time now) and concurrently deleting the I-1 and I-2 Zoning Districts from the Ordinance. The majority of the affected properties are recommended to go to BC. I is reserved for truly industrial properties and include Clifton Industrial Park and Glebe Park/Air Park Drive area (think, Star Democrat Building, Seawatch, etc.). The attached map "Proposed Zoning" shows the proposal well.
- Rezoning the County Emergency Management Services Building at Port and the Parkway from A-1 to G/I. Similar change is shown for the County Courthouse, although this is not as critical as an office building is certainly permitted and appropriate within the CR Zoning District within which it now lies.
- There are a handful of rezonings that Sierra has proposed for properties along or near the Rail-Trail that likely make more sense in the absence of an actual railroad than the current I-1 zoning.





TOWN OF EASTON

14 South Harrison Street
Easton, Maryland 21601

November 6, 2024

Dear Resident,

The Easton Planning Commission (Commission) will hold a public meeting on **Thursday, November 21, 2024 at 1:00 p.m.** in the Easton Town Council Chambers located on the second floor of 14 South Harrison Street. The Town of Easton Zoning Ordinance requires that owners of property located within 400 feet of a parcel on which certain types of applications are pending be given notice of upcoming meetings or hearings. If you are a tenant in or an owner of a multi-unit building, please distribute or post this notice in a visible location for all other tenants or owners to view. If you are a tenant of a rental property, please notify the property owner that this notice letter has been distributed to their property. Notice has also been sent to the Star Democrat, a sign has been posted at the subject property and the hearing agenda has been posted on the Town of Easton website: <http://eastonmd.gov/>.

This letter is sent to inform you that Zoning Amendment application 2024 - 1303 has been filed by Naima Ventures LLC (Applicant), pursuant to Section 28-1404 of the Town of Easton Zoning Ordinance (Ordinance) for the zoning reclassification of 0.327 acres of property located at 605 South Street, also known as Tax Map 0105, Parcel 1632 from Residential zoning district (R-7A) to Commercial Business zoning district (CB).

Copies of the proposed application are on file and available for public review in the Town's Planning Office at 14 South Harrison Street between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday. **In addition, digital copies will be available for review one week prior to the scheduled meeting via the Town's website at <https://www.eastonmd.gov/129/Agendas-Minutes>.** If you have any questions regarding this application, please contact the Planning Office at (410) 822-1943 or via email at ssmith@eastonMD.gov.

Samantha N. Smith

Samantha N. Smith, Administrative Specialist
Planning & Zoning Department
410-822-1943 ssmith@eastonMD.gov



***Subject property posting pursuant to Section
28-901.2.H.2 of the Town of Easton Zoning Code -
November 6, 2024.***



TOWN OF EASTON

14 South Harrison Street
Easton, Maryland 21601

November 6, 2024

Dear Resident,

The Easton Planning Commission (Commission) will hold a public meeting on **Thursday, November 21, 2024 at 1:00 p.m.** in the Easton Town Council Chambers located on the second floor of 14 South Harrison Street. The Town of Easton Zoning Ordinance requires that owners of property located within 400 feet of a parcel on which certain types of applications are pending be given notice of upcoming meetings or hearings. If you are a tenant in or an owner of a multi-unit building, please distribute or post this notice in a visible location for all other tenants or owners to view. If you are a tenant of a rental property, please notify the property owner that this notice letter has been distributed to their property. Notice has also been sent to the Star Democrat, a sign has been posted at the subject property and the hearing agenda has been posted on the Town of Easton website: <http://eastonmd.gov/>.

This letter is sent to inform you that the Town of Easton (Applicant) has filed Planned Redevelopment (PR) Overlay application 2024 - 1328 to request relief from the required side and rear yard setbacks for a residential property located within the R-7A Residential zoning district at 305 South Street, also known as Tax Map 0104, Parcel 1589. The Applicant is seeking setback relief to improve the structural integrity of the residence, and to remediate an encroachment onto the Town right-of-way. At their August 12, 2024 meeting, the Historic District Commission granted a Certificate of Appropriateness (application 2024 - 1255) for various exterior renovations to the existing structure.

Copies of the proposed application are on file and available for public review in the Town's Planning Office at 14 South Harrison Street between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday. **In addition, digital copies will be available for review one week prior to the scheduled meeting via the Town's website at <https://www.eastonmd.gov/129/Agendas-Minutes>.** If you have any questions regarding this application, please contact the Planning Office at (410) 822-1943 or via email at ssmith@eastonMD.gov.

Samantha N. Smith

Samantha N. Smith, Administrative Specialist
Planning & Zoning Department
410-822-1943 ssmith@eastonMD.gov



***Subject property posting pursuant to Section
28-901.2.H.2 of the Town of Easton Zoning Code -
November 6, 2024.***

Date of Meeting: November 21, 2024

**PLANNING COMMISSION
INFORMATION ITEM**

SUBJECT: **Draft Inclusionary Zoning Ordinance**

WARD DISTRICT: Townwide

CRITICAL ACTION DATE: At the pleasure of the Council

STAFF CONTACT: Miguel Salinas, Director, P&Z

PURPOSE: To provide a recommendation on the draft Inclusionary Zoning Ordinance, as presented, to the Town Council (Attachment 1).

RECOMMENDATION:

Attainable Housing Task Force: The Task Force, at their meeting on October 10, 2024, recommended a high priority for approval of the Inclusionary Zoning Ordinance.

BACKGROUND: According to the annual Income Limits Summary published by the United States Department of Housing and Urban Development (HUD), the FY 2023 Median Family Income (MFI) for Talbot County is \$106,500.¹ The County's MFI is 11% higher than the average County MFI for the eastern shore of Maryland (excluding Cecil County) and third only to the counties of Queen Anne's (\$122,200) and Kent (\$109,700).

HUD sets income limits that determine eligibility for assisted housing programs including the Public Housing, Section 8 project-based, Section 8 Housing Choice Voucher, Section 202 housing for the elderly, and Section 811 housing for persons with disabilities programs. HUD's Income Limits Summary Table for Talbot County (Table 1 below) includes income limit categories based on the MFI for Low Income, Very Low Income, and Extremely Low Income categories adjusted for family size.

¹ This number is calculated using the 5-year 2018-2022 American Community Survey MFY estimate (\$100,321) with an inflation factor adjustment based on the Congressional Budget office projection of the national Consumer Price Index. The resulting number is then rounded to the nearest \$100.

Table 1: Talbot County Median Family Income and Income Limits Summary²

FY 2024 Income Limit Area	Median Family Income Click for More Detail	FY 2024 Income Limit Category	Persons in Family							
			1	2	3	4	5	6	7	8
Talbot County, MD	\$106,500	Very Low (50%) Income Limits (\$) Click for More Detail	37,300	42,600	47,950	53,250	57,550	61,800	66,050	70,300
		Extremely Low Income Limits (\$)* Click for More Detail	22,400	25,600	28,800	31,950	36,580	41,960	47,340	52,720
		Low (80%) Income Limits (\$) Click for More Detail	59,650	68,200	76,700	85,200	92,050	98,850	105,650	112,500

Based on a brief analysis, staff concludes that the limited supply of market-rate homes for sale and apartments for rent in and around Easton are not affordable to a large percentage of our workforce. Data provided by the Maryland State Economic Dashboard indicates that 57% of the population is living in less affordable housing; or housing where the home value to income ratio is three or higher in owner occupied housing with a mortgage. A four-person family at 100% of the 2024 Talbot County Area Median Income, adjusted for Easton³, paying 35% of their monthly gross household income for mortgage principal, interest, property taxes, and property insurance (PITI); Private Mortgage Insurance (PMI); and Home Owner Association (HOA) dues, together with a 5% down payment, can afford a home at a sales price of \$292,000⁴. According to a 2024 ©MarketStats by Showing Time report provided by the Mid-Shore Board of Realtors, the median sold price for a home in August of 2024 was \$505,000. The average sold price was \$772,705. Table 2 also shows that even the average sold price for an attached home, such as a townhome, exceeded the maximum affordable price for a family of four earning 100% of Easton's AMI.

Table 2: Affordable Sales Price of a 3-Bedroom Home for a Family of Four Versus Homes Sold in the Easton Market (August 2024)

	Maximum Affordable Price	Median Sold Price	Average Sold Price	Average Attached Sold Price	Detached Average Sold Price
Family of Four (100% AMI)	\$292,000	\$505,000	\$772,705	\$368,333	\$817,635

A renter household is cost-burdened if they pay more than 30% of their gross income on rent. Data provided by the Maryland State Economic Dashboard indicates that almost 48% of renter households are paying more than 30% of their income on rent. For renters paying 30% of their monthly gross income on rent, net of an assumed monthly utility allowance of \$100, a household

² Source: Department of Housing and Urban Development, Office of Policy Development and Research

³ The Easton Affordable Housing Board each year applies a formula that adjusts Talbot County's AMI to provide a more accurate AMI for the Town of Easton.

⁴ HOA and property insurance fees are each assumed at \$200 per month. Real property taxes are calculated with a factor of 1.29 per \$100 of value for a three-bedroom home based on Redfin's year-over-year, trailing 3-year average median sale prices in Easton. The interest rate is based on the Freddie Mac Priority Mortgage Market Survey U.S. weekly averages for a 30-yr FRM as of 11/16/2024.

of four earning 60% of Easton’s AMI (\$58,839) can afford a rent of about \$1,370 for a three bedroom apartment. Zumper reports that the median monthly rent within the last thirty days (as of November 2024) for a three-bedroom apartment is \$2,400. The median monthly rent for a two-bedroom apartment is \$2,100⁵. For all bedroom counts, the median monthly rent is \$3,037, which is 52% higher than the national average.

Table 3: Affordable Rental Price of a 3-Bedroom Rental Versus Median Rents by Bedroom Count in the Easton Market⁶

	Affordable Rent (60% AMI)	Median Rent (3 bedroom)	Median Rent (2 Bedroom)	Median Rent (All Bedroom Counts)
Family of Four (60% AMI)	\$1,370	\$2,400	\$1,800	\$3,037

Of the approximately 8,100 Easton residents age 16 years and over that live in Easton and are in the labor force, 28% commute into other counties, primarily Queen Anne’s, Dorchester, Caroline, and Anne Arundel Counties⁷. Approximately 65% of households in Easton make less than Easton’s AMI of \$98,065 per year when factoring income and benefits. 54% work in the industries of construction; manufacturing; retail; transportation, warehousing, and utilities; and educational services, health care and social assistance industries⁸. An additional 13% work in arts, entertainment, recreation, accommodation and food services.

Of the approximately 17,000 jobs in Talbot County, 42% of the workers commute into Talbot County for their jobs⁹. Approximately 35% of business establishments in the County are in the retail trade; health care and social assistance; accommodation and food service; and arts, entertainment, and recreation industries. When adding in manufacturing; education services, and other service positions (excluding public administration), these business establishments make up over 50% of Talbot County’s workforce and employ over 10,000 people, many of them essential workers; workers that are necessary to maintain the functioning of the community¹⁰. Essential workers include pharmacy staff, healthcare assistants and emergency medical services personnel in health services; police officers, emergency dispatchers, and correction officers in public safety; utility workers, construction, and maintenance workers in critical infrastructure; and food production and processing, grocery store, food delivery, and restaurant workers in food service. In addition, many of the 1,500 plus workers employed by local governments and the school system are deemed essential, as the functioning of government, the community, and the economy cannot occur without their critical services.

⁵ Includes apartments, houses, condos, and rooms.

⁶ As of November 2024

⁷ U.S. Census Bureau’s 2016-2020 5-Year Commuting Flows

⁸ U.S. Census Bureau’s 2022 American Community Survey 5-Year Estimates. It’s important to note that 41.5% of Easton’s population age 16 and over are not in the labor force. With an estimated low civilian unemployment rate of 1.5%, this is indicative of a high percentage of retired workers.

⁹ U.S. Census Bureau’s 2016-2020 5-Year Commuting Flows

¹⁰ Maryland State Economic Dashboard, data current as of July 2024.

Many of the essential jobs employ lower wage workers. For example, a physical therapy assistant with an associate degree making approximately \$54,000 per year can afford a maximum rental rate of \$1,371. For a graphic designer making \$45,000 per year or a restaurant cook making \$32,000 per year, there are virtually no affordable market-rate apartments or homes on the market available for rent¹¹.

There are also no opportunities for affordable housing in the unincorporated areas of Talbot County. The County's comprehensive plan places high value on the protection of the shoreline, waterway, and agricultural lands, equally important goals as affordable housing. The County's plan to accomplish this is twofold: restrict the extension of sewer outside of development and growth areas that surround the towns and to take a restrictive approach toward the use of land over which it has zoning authority.¹² To implement these objectives, the County's zoning regulations prohibit all housing types except single-family; the zoning districts are characterized as very low density; and the bulk requirements for each lot include large minimum lot sizes and low maximum lot coverage requirements. The end effect is housing segregation due to the cost of land and development supporting only higher-end housing in the unincorporated areas of Talbot County. And as the graphics show below, housing segregation is the door to other types of segregation (see Graphics 1, 2, and 3 below).

As for the remaining towns outside of Easton, there are extremely limited areas for future growth and development adjacent to Oxford and St. Michaels. While Lakeside at Trappe, the new development in the Town of Trappe, will eventually provide approximately 2,500 homes, the approval of the Planned Unit Development by the Town of Trappe did not require any proffers for affordable or workforce housing.

The Town of Easton is in the forefront of the current zoning reformation movement by adopting options for middle housing, such as triplexes, fourplexes, courtyard homes, cottage courts, and mansion apartments. However, infill options are currently limited. Habitat for Humanity Choptank has indicated that the housing organization has run out of land to develop in Easton; the lots are too expensive to fit their model, with this occurring even though they receive 65 to 70 calls per month from people inquiring about eligibility. Where there is potential for infill development, private developers have to provide market rate housing to cover their costs due to limited density potential stemming from regulatory, infrastructure and site constraints (for example: historic district guidelines, limited space for off-street parking) and neighborhood opposition. Affordable housing opportunities in Easton from new greenfield developments are limited; the Town Code does not require affordable housing commitments from new development unless it's proffered from the developer¹³.

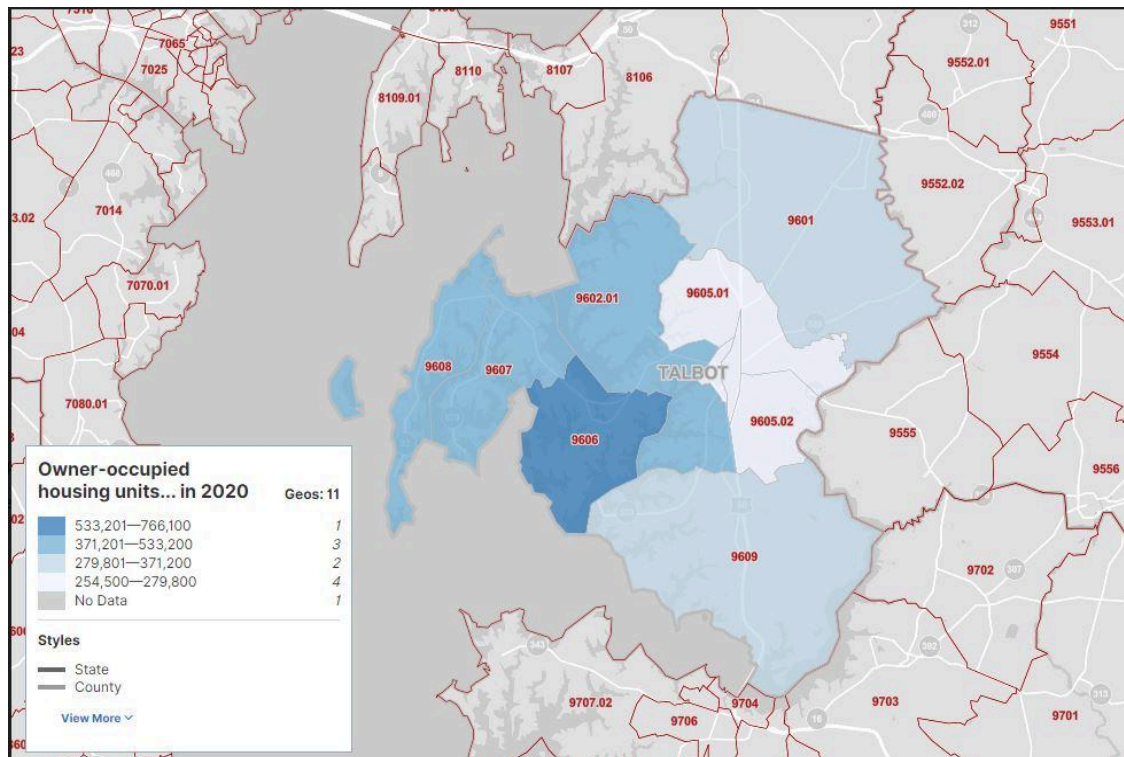
¹¹ Wages are based on the 2023 Maryland Occupational Employment and Wage Estimates.

¹² This policy is overridden for failing septic systems.

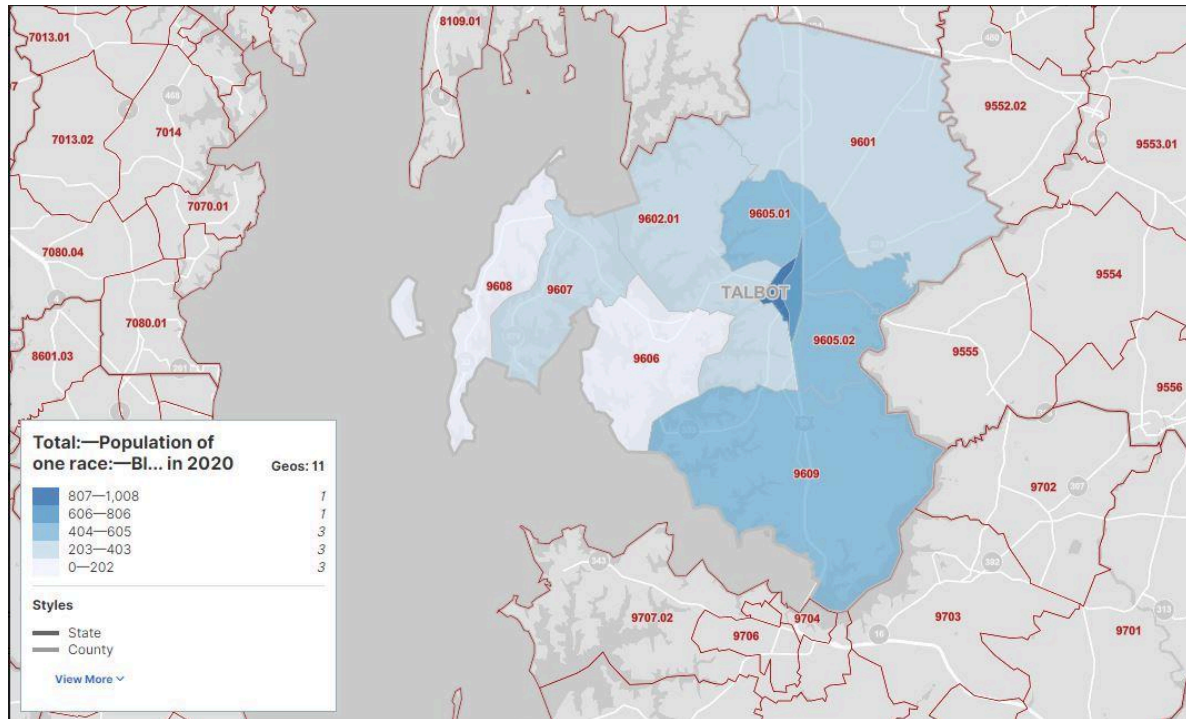
¹³ The one exception is for Planned Unit Developments where any residential units proposed in excess of the maximum residential density permitted in the base residential zoning district(s) must devote at least 25% to affordable housing or the developer may contribute an in-lieu fee to be determined by the Town Council.

The cumulative result of market forces, limited supply, and exclusionary zoning is that much of Easton's workforce has no choice but to live outside of Talbot County and commute into the Town of Easton for their jobs, primarily from Caroline and Dorchester Counties where housing is more affordable. These housing pressures can have a tremendous impact on business retention. In a survey of forty businesses conducted by the Talbot County Chamber of Commerce, 85% felt that Easton has a lack of affordable housing. 53% felt the issue impacted their businesses due to the difficulty in filling businesses (69%) and employees commuting long distances (81%). 33% of the respondents indicated that employees left their companies within the last year because of housing-related issues. 83% believed that improving the availability of affordable housing in Easton would benefit their business.

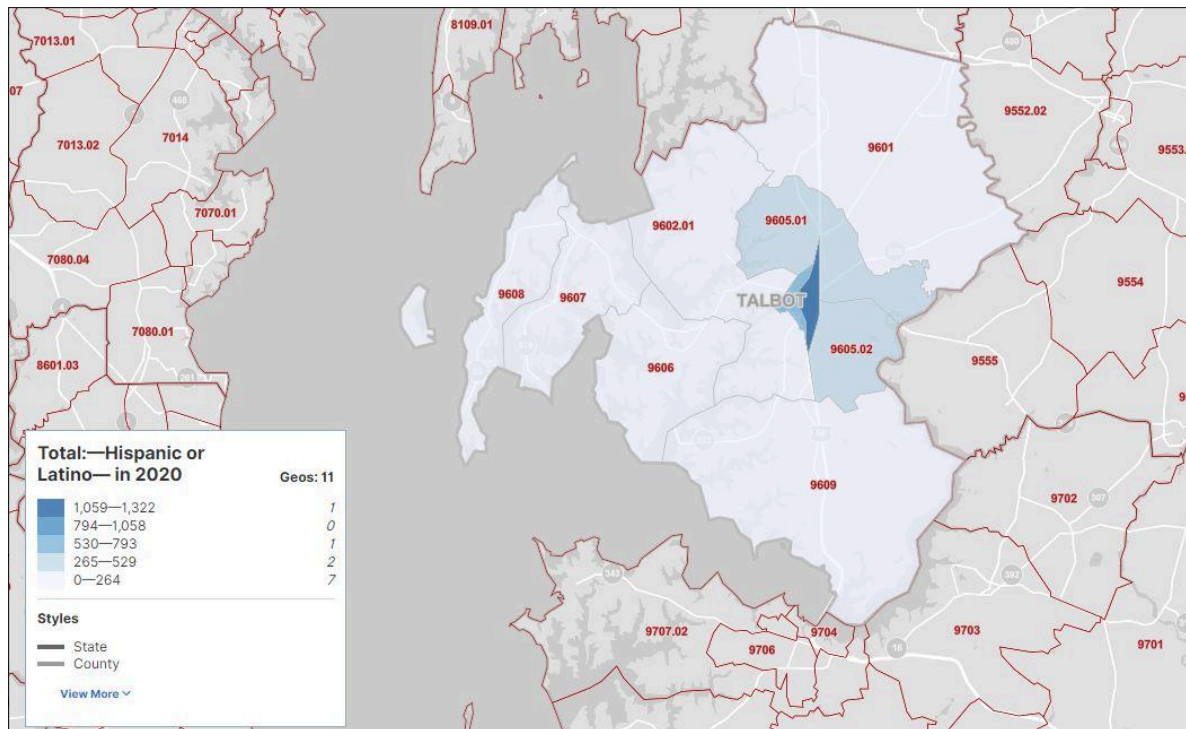
Graphic 1: Talbot County Median Value of Owner-Occupied Housing Units in 2020 by Census Tract



Graphic 2: Talbot County Black Population by Census Tract



Graphic 3: Talbot County Hispanic Population by Census Tract



Talbot County Smart Growth Survey

The lack of attainable housing is also a concern to County residents. American Strategies, sponsored by the National Association of Realtors with support provided by the Mid-Shore Board of Realtors, designed and administered a telephone survey in June of 2022. The survey reached 325 adults, age 18 or older, who indicated they were registered to vote in Talbot County, Maryland.

The results of the survey indicated that residents are satisfied with their quality of life and they value the historic nature of Talbot's towns and villages and its natural resources, but they understand the need for additional housing – and in particular for more affordable housing for young people and those with lower incomes. Specific highlights are below:

- Residents are concerned about the County's affordable housing, where 51% say "creating more housing that is affordable to low and middle-income people" is a top priority
- A majority of Talbot residents consider the county's stock of available housing to be a "fairly big" or "very big" problem (60%)." Similarly, 66% consider housing affordability to be a problem in the county
- Looking at specific sectors of Talbot's housing market, 68% of residents believe there is too little housing for people with low incomes and for younger people who are just starting their careers. 60% also believe there to be too little housing for people who work in retail and service jobs, with the same number saying there are too few units available to rent full-time
- Talbot County residents are broadly supportive of government-led proposals to increase housing opportunities for the county
 - 67% percent of residents favor a proposal that requires developers to set aside sub-market rate housing for new projects and 62% favor providing tax breaks to developers who do so
 - Slightly smaller majorities are favorable toward proposals that change zoning laws to ease the process of building multi-family units (57%), and proposals that reduce government fees and regulatory barriers for builders (56%)

Affordable Housing in the Comprehensive Plan

The Town of Easton 2010 Comprehensive Plan (Plan) notes that in recent years, Easton has experienced a significant absence of affordable housing, especially in the "entry-level" market as well as the "move-up" market. Compounding the problem is the trend of only providing higher end, segregated housing with recent development that can lead to the situation where nearly all of the service and labor employees have to commute into easton from places where they can afford to live (*Town of Easton 2010 Comprehensive Plan, Community Character, Pages 107-108*) .

The Plan also notes that Inclusionary Zoning is a tool to require all residential developments of a minimum size to include a certain percentage of units as affordable. The intention is to provide a more predictable and consistent method for obtaining affordable units than the case-by-case imposition of conditions of approval by the Town Council for projects subject to their approval (*Town of Easton 2010 Comprehensive Plan, Housing, Pages 137-138*). As such, one objective in

the Plan is to institute Inclusionary Zoning whereby all residential developments will be required to provide a minimum number of units at various price points. The goal is to increase the supply of affordable housing in the Town of Easton (*Town of Easton 2010 Comprehensive Plan, Housing, Page 141*).

Other specific Housing Goals and Objectives included in the Plan include:

- Establish design standards and require physical distribution of different housing types to provide both visual interest and a smooth blend of affordable housing in the community
- Provide sufficient density to create a sense of place, use infrastructure efficiently, and create pedestrian-friendly, transit-supportive neighborhoods
- Increase the supply of low-income housing in the Town of Easton, by supporting the efforts of the Talbot Housing Authority to provide more home-ownership and rental opportunities for low-income individuals and families

Inclusionary Zoning Enabling Legislation

§ 3-114 of the Annotated Code of Maryland requires a housing element in comprehensive plans that addresses the need for affordable housing within a local jurisdiction, including for workforce and low-income housing. The law further states that local jurisdictions have a duty to affirmatively further fair housing through their housing and other programs and that the housing element of a comprehensive plan enacted or amended on or after January 1, 2023 include an assessment of fair housing to ensure that the local jurisdiction is furthering fair housing.¹⁴

In addition to any other zoning and planning powers granted by the State of Maryland, § 7-401 of the Annotated Code of Maryland expressly gives a local legislative body the authority to enact local laws that:

- 1) impose inclusionary zoning, and award density bonuses, to create affordable housing units; and
- 2) restrict the use, cost, and resale of housing that is created under this authority to ensure that the purposes of affordable housing are carried out.

Thus inclusionary zoning is one land use regulatory tool that can be used to further fair and attainable housing policies in local jurisdictions. Inclusionary zoning refers to zoning ordinance requirements that new residential development must include a percentage of its units to be built to accommodate affordably priced dwelling units, either for rental or home ownership. The control period, or time in which the units must remain available to households below a certain income level, typically varies from 20-99 years depending on ownership versus rental unit type.¹⁵

¹⁴ “Affirmatively further fair housing” means to take meaningful actions, in addition to actions aimed at combating discrimination, to overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to housing and opportunity based on protected characteristics. It also includes to take meaningful actions that, taken together: (i) address significant disparities in housing needs and access to opportunity; (ii) replace segregated living patterns with truly integrated and balanced living patterns; (iii) transform racially and ethnically concentrated areas of poverty into areas of opportunity; and (iv) foster and maintain compliance with civil rights and fair housing laws.

¹⁵ Maryland Department of Planning, Common Practices and Examples:
<https://planning.maryland.gov/Pages/OurWork/housing-element-mg/common-practices.aspx>

Several Maryland jurisdictions have passed inclusionary zoning ordinances, including the counties of Montgomery and Queen Anne's, and the cities of Annapolis, Frederick and Baltimore.

Given the many challenges that the Town of Easton and Talbot County face in the provision of attainable housing, the adoption of an Inclusionary Zoning Ordinance for the Town of Easton is one way to respond to the crisis and add another tool in the toolbox of fair, equitable and affordable housing efforts currently undertaken by the Town.

DRAFT INCLUSIONARY ZONING ORDINANCE

The drafting, review, and refinement of the draft Inclusionary Zoning Ordinance has been a 22-month process to date¹⁶. The legislation was drafted for Council consideration after an extensive review of existing ordinances in the Maryland jurisdictions of Annapolis, Queen Anne's County, and Montgomery County and in Loudoun County, Virginia and East Palo Alto, California.¹⁷ Staff also consulted with Maryland Affordable Housing Coalition, the Virginia Housing Alliance, and the National Low Income Housing Coalition during the drafting of the ordinance. The Chair of the Easton Affordable Housing Board reviewed the draft ordinance prior to Council distribution. The draft was discussed at three Town Council workshops in 2023¹⁸. Subsequent to the July workshop, the Council agreed to staff coordination of a Housing Work Group to review the draft Inclusionary Zoning Ordinance discussed at the three Council work sessions last year.

The work group included Council Members Maureen Curry and Rev. Elmer Davis, Mayor Megan Cook, Town Manager Don Richardson, Town Attorney Sharon VanEmburch, Miguel Salinas and Lynn Thomas from Planning and Zoning, Holly Dekarske from the Easton Economic Development Corporation, and Jim Bent from the Affordable Housing Board. The Housing Work Group met five times and their work resulted in changes to the initial draft. The updated draft (2nd draft) was then distributed to the Planning Commission (PC) for review at their February 15, 2024 meeting. At that meeting, the Commission agreed to begin more detailed discussion on the work group's draft of the Inclusionary Zoning Ordinance at a future meeting or meetings. At their March 21, 2024 meeting, the PC scheduled workshops for April 17, 2024 and May 23, 2024 for the purpose of reviewing and discussing the components of the draft ordinance and in anticipation of a formal recommendation to the Town Council prior to the introduction of new legislation. At the May 23rd meeting, the PC decided to wait for input from the Council-appointed Attainable Housing Task Force before making a formal recommendation to the Council.

¹⁶ The original draft was actually considered by the PC in April of 2007. That draft was supported by the Affordable Housing Board. The PC subsequently forwarded the draft to the Council. No final action was taken.

¹⁷ Loudoun County was chosen for its location outside of Maryland and its similarity to Fairfax County, Virginia's and Montgomery County, Maryland's inclusionary housing ordinances. East Palo Alto, California was chosen because of its unique approach to the provisions and management of their program; an example of a response to California's Housing Element Law, enacted in 1969, that required that all local governments adequately plan to meet the housing needs of everyone in the community; and as a response to exclusionary zoning and severe shortages of affordable housing combined with a reduction of federal housing subsidies. Over 170 California jurisdictions have inclusionary housing ordinances on the books.

¹⁸ The workshops were held on February 6, February 20, and July 17.

The Attainable Housing Task Force was established to provide to the Town Council prioritized recommendations for the implementation of policies, regulations, programs, and incentives to further attainable housing in Easton. The Task Force met ten times in 2024. Three of the meetings included discussion of the draft Inclusionary Zoning ordinance. In June of 2024, the Town contracted with David Rosen and Associates (DRA) to review the most recent version of the draft ordinance and to offer suggested revisions and a recommended set of best practices for the provisions of an inclusionary zoning ordinance. Staff became familiar with DRA during the research undertaken to draft the inclusionary zoning ordinance; the firm provides consulting assistance to East Palo Alto, California’s successful inclusionary zoning program which the Town’s current draft is partly modeled from. DRA is an international policy, finance and development advisory firm that has served public and private sector clients in more than 350 governmental jurisdictions to help solve some of the most challenging finance and policy problems in affordable housing, urban revitalization, sustainable development and renewable energy. They have assisted more than 60 jurisdictions in the adoption and amendment of inclusionary zoning programs and served as expert witnesses to defend cities and counties against legal challenges to these kinds of ordinances. In addition, DRA crafted the foundational approach to comprehensive affordable housing strategies used by the federal Department of Housing and Urban Development and state and local agencies throughout the country. Lastly, DRA originated the concept of Housing Trust Funds and has assisted more than 50 cities and states in the development and funding of such funds.

After discussion of DRA’s recommendations, staff revised the second draft of the draft ordinance at the request of the Task Force. At their meeting in October, as a means to accelerate the supply of affordable housing without expending public subsidies, the Task Force supported the newly-created third draft of the Inclusionary Zoning Ordinance as one of their top priority recommendations.

Table 4: Inclusionary Zoning Process: Timetable

Meeting	Date	Activity
Town Council	February 6, 2023	Workshop - Initial draft presented
Town Council	February 20, 2023	Workshop
Town Council	July 17, 2023	Workshop
Easton Housing Work Group	August 31, 2023	Review and revisions of first draft
Easton Housing Work Group	November 8, 2023	Review and revisions of first draft
Planning Commission	February 15, 2024	Workshop - 2nd draft presented
Planning Commission	March 21, 2024	Workshop

Meeting	Date	Activity
Town Council	February 6, 2023	Workshop - Initial draft presented
Town Council	February 20, 2023	Workshop
Town Council	July 17, 2023	Workshop
Planning Commission	April 17, 2024	Workshop
Attainable Housing Task Force	May 9, 2024	Draft legislation overview
Planning Commission	May 23, 2024	Workshop Placed on hold pending Task Force input
Attainable Housing Task Force	August 29, 2024	Review of draft legislation and DRA Memorandum
Attainable Housing Task Force	September 12, 2024	Review and revisions to second draft
Attainable Housing Task Force	October 10, 2024	Housing strategy prioritization
Planning Commission	November 21, 2024	3rd Draft

Recommended Changes to the February 2024 Draft

Below are brief descriptions of each section of the draft ordinance:

Section 1601: Purpose

Previous Draft: Section 1601 acknowledges the housing problem in Easton due to rapidly increasing property values and the reduction in the availability of housing choices. The section also affirms the Town’s commitment to addressing the issue, its commitment to a diverse and balanced community and the impact of an inadequate supply of attainable housing to attract and retain employers and maintain an adequate workforce.

Significant Revisions: The third draft changes references of attainable housing to affordable housing as the concept of Attainable Housing, as defined in the draft ordinance, does not exist in federal and State finance housing law. Further, terms such as “attainable housing” and “missing middle housing” do not require housing be affordable to, and occupied by, specified income groups defined by AMI, adjusted by household size, and restricted at rents and prices at a defined affordable housing expense for a long period of time.

Section 1602: Definitions

Previous Draft: Section 1602 contains definitions of terms used in the draft ordinance. The Section establishes definitions for affordable rental rates and monthly affordable mortgage payments and establishes definitions for Very Low-Income (0-50% MFI), Low-Income (up to 60% MFI), Median-Income (up to 80% MFI), and Moderate-Income Households (up to 100% MFI). Note that the definition of Median Family Income states that the annual County MFI published by HUD will be adjusted each year by the Affordable Housing Board based on the Town of Easton’s median income.

Significant Revisions: The definition section includes a definition of “Affordability Gap”, in which the Cash in lieu fee is set at a level comparable to that gap.

The definition for Cash in lieu fee specifies that the fee is updated annually by the Easton Affordable Housing Board based on a trailing three-year average annual change in median household income for the renter fee schedule and the All Transactions House Price Index for Talbot County published by the U.S. Federal Housing Agency for the ownership fee schedule. DRA states that unless in lieu fees are set at a level that matches the affordability gap, fewer affordable units will be constructed compared to on-site compliance. In order to create incentives for developers to provide affordable units on-site, in lieu fees must be set at a level comparable to the affordability gap. In addition, in lieu fees should be disincentivized to assure the economic integration within residential developments and avoid concentration of lower income units in one or more locations. Lastly, on-site compliance assures affordable units are built simultaneously with market rate units; in lieu fees assure that the completion of affordable units is substantially delayed.

The definition for Cash in lieu fee also states that the fee is based on a per square foot basis rather than a unit basis; this will result in higher fees for larger, more expensive units and lower fees for smaller, less expensive units.

Definitions for Affordable Home Price, Affordable Mortgage, Affordable Owner Expense, and Affordable Renter Housing Expense were added to replace previous definitions that define the methods of calculating affordable sales prices and rents under the inclusionary zoning ordinance.

The latest draft also: a) eliminates the definition of Median Family Income and revises the definition to Area Median Income (AMI); b) eliminates the various income categories from the previous draft (Very Low-Income, Low-Income, Moderate Income, and Median Income households); and c) eliminates the definition of attainable housing.

Section 1603: Intent

Previous Draft: Section 1603 establishes the intent of the ordinance; namely to provide attainable housing, mitigate the impact of market rate housing on attainable housing due to limited supply, and promote the integration of attainable housing with market rate housing.

Significant Revisions: None.

Section 1604: Authority

Previous Draft: Section 1604 cites the section of the Annotated Code of Maryland that gives the authority to local jurisdictions to enact inclusionary housing regulations and award density bonuses to further attainable housing.

Significant Revisions: No revisions.

Section 1605: Applicability

Previous Draft: Section 1605 establishes that the regulations apply to all residential developments which are the subject of a development site plan, preliminary plat, or building permit, whichever comes first.

Significant Revisions: No revisions.

Section 1606: Exemptions

Previous Draft: Section 1606 exempts from the regulations any housing that is developed with less than 15 dwelling units, accessory dwelling units, certain projects undertaken by housing organizations or a continuing care retirement community, projects undertaken by the Town of Easton, and projects developed under the Low-Income Housing Tax Credit Program.

Significant Revisions: The draft eliminates the exemption of Qualified Housing Organizations; continuing retirement communities that provide a minimum of 10% of the units as affordable; residential developments proposing less than 15 new dwelling units; and development projects undertaken by the Town of Easton.

Section 1607: Inclusionary Zoning Requirements

Previous Draft: Section 1607 establishes when a 10% inclusionary zoning requirement is required: when residential development is proposed of 25 or more units for *new construction or substantial rehabilitation* of existing structures and when residential development is proposed of 30 or more units for *adaptive reuse* or the *conversion of a nonresidential use to a residential use*. This difference is to recognize the potential increased costs for adaptive reuse, infill development, and redevelopment.

Below are additional elements of Section 1607:

- A. When inclusionary zoning is required for residential developments that include for-sale units, the for-sale Inclusionary Units are targeted towards median-income and moderate-income households. When Inclusionary Units are required for residential developments that include rental units, the rental Inclusionary Units are targeted towards very low-income and low-income households. The reason for the different target incomes is the assumption that households in the low and very-low income range have more limited resources for down payments and housing costs associated with home ownership besides mortgage payments, including housing repair and maintenance.
- B. If only one Inclusionary Unit is required, then the homes shall be targeted towards the lower range of household incomes.
- C. Fractional units are required to be rounded up to one full unit.
- D. Calculations of the required number of units are based on the number of units exclusive of any additional units proposed by the developer under the density bonus provisions of the ordinance.
- E. Developers cannot circumvent or avoid the Inclusionary Zoning Ordinance requirements by piecemealing or phasing developments.
- F. Provisions are outlined for the tracking of the required Inclusionary Units for each building permit application submitted.

- G. Developments that propose between 15 and 24 new dwelling units for new construction or substantial rehabilitation, or between 15 and 29 new dwelling units for redevelopment, are not required to build Inclusionary Units; they are required to pay a Cash In Lieu Fee.

Significant Revisions:

- A. The percentage of units that must be affordable was revised to a single-income targeting requirement of 15% of ownership units at 100% of AMI and a single-income targeting requirement of 15% for rental units at 60% of AMI. These recommendations from DRA were based on: 1) relative affordability to the current Easton market rate home prices and rent, 2) a relatively moderate requirement for developer compliance; 3) simplicity; 4) ease of compliance; and 5) in combination with several development incentives, offsets, and alternative compliance options.
- B. The requirement applies to all projects, irrespective of a project's unit count.
- C. In-lieu fees are paid when a developer has a fractional unit obligation.

Section 1608: Inclusionary Zoning Incentives

Previous Draft: Section 1608 establishes incentives for the developer. These incentives include:

- A. For residential developments that require Inclusionary Units on the same site, the developer may receive up to a 20% density bonus above the maximum density allowed in the residential base zoning district (A-1, R-7A, R-10A, R-10M, CB, MXW).¹⁹
- B. If all required Inclusionary Units are provided on the same site, the developer may receive a variance of up to 20% from the dimensional requirements (lot size, lot frontage, lot coverage, height, and setbacks) without having to receive approval from the Board of Zoning Appeals. The developer may also receive a 20% modification from the parking requirements. The flexibility is provided to accommodate more units on the site when the developer chooses to utilize the density bonus.
- C. Projects shall receive: 1) a cash subsidy from the Affordable Housing Fund for the deferral of impact fees, provided the funds exist, and 3) a real property tax abatement if the developer provides at least double the number of Inclusionary Units than what is required in the Inclusionary Zoning ordinance.²⁰

Significant Revisions:

- A. The developer of a residential development may receive a 20% modification from the parking standards if a parking study is provided that demonstrates that based on the number of spaces provided, on-street parking will not be negatively affected.
- B. Opportunities for real property tax abatement, payment-in-lieu of taxes, or the reduction and elimination of impact fees were removed. DRA did not recommend deferral, reduction, or waiver of building permit fees, impact fees, or property taxes unless it's only for the affordable units required by the Inclusionary Zoning ordinance. If deferrals,

¹⁹ Planned Unit Development, which is a discretionary floating district, may already allow for higher densities: 16 dwelling units per acre for PUD-General, 60 dwelling units per acre for PUD-Infill, and 30 dwelling units per acre for PUD-Redevelopment. The Planned Redevelopment Overlay District permits a density of up to 40 dwelling units per acre.

²⁰ The incentive for real property tax abatement is only available if the Town Council establishes such an abatement program.

reductions, or waivers are offered, the Tow should estimate the lost revenue, and quantify the subsidy this represents to the affordable units and if they are quantitatively demonstrated by an industry standard economic feasibility analysis that such subsidies are required.

Section 1609: Alternative Compliance Options

Previous Draft: Section 1609 provides alternative compliance options, including:

- A. Partnering with a qualified housing organization to build on-site Inclusionary Units or to partner with such organization to build off-site units within the Town limits provided the number of units provided is one and one-half times the required number of units. The preference is for the developer to provide the Inclusionary Units onsite so housing segregation is minimized, thus the one and one-half times the required number of units.
- B. Purchasing land within the Town or the growth area and donating it to a qualified housing organization to build the aforementioned one and one-half number of required units.
- C. For adaptive reuse or conversion of nonresidential to residential, when 30 or more dwelling units are proposed, the developer may provide a Cash In Lieu Fee, which would be based on the fees initially established by the Town Council.

Proposed off-site construction or Cash In Lieu Fees would be subject to certain conditions. The in lieu fees will be updated by the Affordable Housing Board on an annual basis, after the revised fees are approved by Town Council Resolution. Projects that choose this option are not eligible for the density bonus.

Significant Revisions:

- A. Revised conditions were included to allow off-site compliance with the set-aside obligation of inclusionary units.
- B. Revised conditions were included for the dedication of land for the development of affordable housing to ensure the land is appropriate for affordable housing.
- C. Allowing market-rate developers to partner with qualified housing organizations to build the on-site units was deleted from the draft ordinance.
- D. The option to comply with a combination of on-site and off-site inclusionary units was deleted from the draft ordinance as it is too complex to administer and enforce, as well as extremely unlikely to occur.
- E. Eliminates the option for developers of adaptive reuse and conversion of commercial to residential projects to pay an in-lieu fee.
- F. Allows single-family detached residential developments to provide a different housing type, such as townhomes or duplexes, for their inclusionary units. This lowers the cost of compliance by reducing the per unit construction costs.

Section 1610: Inclusionary Housing Plan and Agreement

Previous Draft: Section 1610 requires the developer to submit an Inclusionary Housing Plan with their residential development application (site plan, preliminary plat, building permit) for staff review. The plan describes how the development complies with the inclusionary zoning regulations, the Inclusionary Housing Guidelines (see Section 1612 below), and their marketing

plan. The plan also describes how they will comply with all applicable fair housing and discrimination laws.

The Inclusionary Housing Agreement is a recorded legal document that ensures that all the requirements of the ordinance are satisfied. The specifics of the agreement are outlined in this section.

Significant Revisions: No revisions.

Section 1611: Percentage of Affordable Units

Previous Draft: Section 1611 reaffirms the calculation of Inclusionary Housing units.

Significant Revisions: No revisions.

Section 1612: General Requirements for Inclusionary Units

Previous Draft: Inclusionary Housing Guidelines are any requirements for implementation and administration of the Inclusionary Housing ordinance, as recommended by the Easton Affordable Housing Board and adopted by the Town Council. Adopted Inclusionary Housing Guidelines may include, but not be limited to, standards for determining household composition; income eligibility and prices for sale and rental of Inclusionary Units; income limit schedules; inclusionary housing costs or carrying charges; design guidelines; provisions of continued monitoring of tenant eligibility; and document templates. Guidelines may also specify the contents of the Inclusionary Housing Plan. The Guidelines are reviewed and updated on a regular basis.

Section 1612 establishes what minimum requirements must be included in the Inclusionary Housing Guidelines adopted by the Town Council.

Significant Revisions: The previous draft required that the bedroom mix of the inclusionary units be approximately the same ratio as the bedroom mix of the market rate units. The requirement was revised to state that the bedroom count comparability between the market rate and affordable units must be provided and the distribution of unit sizes by bedroom count in the market rate units must match that of the affordable units. DRA recommended this as a critical requirement to assure compliance with the set-aside obligation. This avoids an abuse of the ordinance where the developer provides only small apartments, such as studios in comparison to their market-rate units that offer large bedroom counts.

The latest draft does permit the developer to choose differences in unit comparability standards by reducing the size of the affordable units (while maintaining the same number of bedrooms) and reducing the number of bathrooms provided the number of bathrooms provided in market-rate units closely approximates the number of bedrooms. The alternative standards can lower the costs of compliance by reducing construction costs.

The latest draft also includes required occupancy standards for each unit based on bedroom count and adds energy-efficient appliances to the interior amenities of inclusionary units that may not differ from the market rate units.

Section 1613: For-Sale of Inclusionary Units

Previous Draft: Section 1613 establishes that guidelines will be established by the Affordable Housing Board for the method of calculation of the selling price of for-sale Inclusionary Units. The section also establishes that: 1) the developer is responsible for the screening and qualification of the initial purchaser of a for-sale Inclusionary Unit, 2) the for-sale Inclusionary Unit must be the primary residence of the purchaser, and 3) the purchaser of a for-sale Inclusionary Unit is required to execute and consent to the affordability restrictions at the settlement of the property.

Significant Revisions: No revisions.

Section 1614: Rental of Inclusionary Units

Previous Draft: Section 1614 establishes that guidelines will be established by the Affordable Housing Board for the method of calculation of the affordable rental rate for the rental Inclusionary Units. The section also establishes that: 1) the developer, property owner, or property manager is responsible for verifying household income eligibility, 2) the Easton Affordable Housing Board is the entity that establishes and updates the Affordable Rental Rate and notifies the property owner or manager of the new rental rates, 3) each residential development containing rental Inclusionary Units is subject to an annual compliance process which is specified in the Inclusionary Housing Agreement, 4) rental Inclusionary Unit tenants are subject to the same conditions of tenancy as other market-rate tenants occupying the same property, and 5) the initial lease term for the rental Inclusionary Unit is for one year.

Significant Revisions: No revisions.

Section 1615: Marketing of Inclusionary Units

Previous Draft: Section 1615 requires the developer to market, rent and sell all Inclusionary Units and must notify the Affordable Housing Board and the Town when the Inclusionary Unit is available at the time the building permit is issued. For rentals, the property owner or manager must provide advance notice to the Affordable Housing Board and Town when there is an impending vacancy. The section also allows the developer to assign these responsibilities to a qualified housing organization.

Significant Revisions: None.

Section 1616: Continued Affordability Requirements

Previous Draft: Section 1616 establishes that all rental Inclusionary Units shall remain affordable for a period of no less than 30 years and that for-sale units shall remain affordable for a period of no less than 20 years. The continued affordability requirement would be embodied in a legally binding agreement, covenants, and/or a deed restriction. The section also gives the

Affordable Housing Board an exclusive 30-day option to purchase any Inclusionary Unit when it's offered for resale. Lastly, the section prohibits subletting or leasing of Inclusionary Units except to allow a temporary rental of the Inclusionary Unit for good and sufficient cause. Leasing of Inclusionary Units must be approved by the Easton Affordable Housing Board under terms that may be specified in the Inclusionary Housing Guidelines.

Significant Revisions: The latest draft requires a minimum 99-year affordability period for the affordable rental units and a 30-year affordability period for ownership units with resale restrictions. In addition, if the inclusionary unit is sold during the affordability period, a new resale restriction period is imposed.

Section 1617: Transfer of Development

Previous Draft: Section 1617 establishes that all approved covered projects “run with the property” and are subject to the Inclusionary Zoning Ordinance.

Significant Revisions: No revisions.

Section 1618: Enforcement

Previous Draft: Section 1618 refers to an unspecified area of the Town Code for enforcement of the ordinance.

Significant Revisions: No revisions.

Section 1619: Administration

Previous Draft: Section 1619 establishes how Inclusionary Units are tracked on site plans, record final plats, and building permits. The section also requires the Affordable Housing Board to monitor activity under the ordinance and provide a report at least every 2 years to the Town Council.

Significant Revisions: No revisions.

Potential Inclusionary Units

The Table below shows how many inclusionary units the Town would have received under the draft Inclusionary Zoning Ordinance that requires a 15% set-aside of inclusionary units (based on approved projects per the Town's current residential pipeline table:

Table 5: Potential Inclusionary Housing Units - Approved Projects

Project	Total Units	Inclusionary Units
807 N. Washington Street	10 Ownership	1

Cookes Hope Phase VII	67 Ownership	10
Dixon Square	8 Ownership	1
Doverbrook Apartments*	64 Rental	9
Elliott Road*	136 Rental	20
Gannon Range	200 Ownership	30
Four Seasons at Easton	252 Ownership	37
Laura House*	7 Rental	1
Naima (Phase 1)*	26 Rental	3
Naima (Phase 2)*	52 Rental	7
Port Street Commons*	9 Rental	1
Shoregate at Cannery	96 Rental	14
Silo Square*	28 Rental	4
Tides Point at Easton	33 Ownership	4
Totals	570 Ownership 418 Rental	83 Ownership 59 Rental

* Developments that have committed to providing affordable units, but are not mandated by the Town (with the exception of Elliott Road Apartments).

Adding the fractional portion of each development's calculation of the required 15% set-aside results in a total count of 6.2 units. If the average cash in lieu fee per square foot based on an affordability gap analysis was \$45,000, the total amount of fees collected would be \$279,000.

ISSUES: Staff will need to identify where the final drafted language is inconsistent with the Town Code and propose revisions as necessary.

FISCAL IMPACT: The draft ordinance requires a significant expansion of time and responsibilities from the Affordable Housing Board, including but not limited to:

- Managing the Affordable Housing Fund
- Establishing the Cash In Lieu Fees and updating the fees on an annual basis
- Developing and updating the Inclusionary Housing Guidelines and document templates
- Developing and updating the design standards for Inclusionary Units
- Updating and annually posting the income eligibility requirements
- Calculating and updating the pricing and rents of for-sale and rental Inclusionary Units
- Monitoring tenant eligibility for rental Inclusionary Units

- Monitoring activity and providing regular reports to the Town Council

The administration of the program will also need dedicated housing staff to assist the Board with their responsibilities, develop and update the program's website, and provide day-to-day management of the program. Maryland jurisdictions that have inclusionary zoning ordinances include Queen Anne's County, which is managed by staff from the Division of Housing and Community Services as part of the Department of Community Services along with other housing programs including homeless assistance and prevention, rental code enforcement, workforce loans, and other special projects. The City of Annapolis inclusionary zoning ordinance is administered by the Department of Planning and Zoning's Community and Economic Development Division. The Office includes a full-time Housing Affordability Specialist. T

Staff estimates that 1.0 FTE of a Housing Specialist under the Department of Planning and Zoning is required to set-up, administer and monitor the program. This position will also staff the Affordable Housing Board and its housing programs.

ATTACHMENTS:

1. Draft Inclusionary Zoning Ordinance, September 13, 2024 with edits
2. Draft Inclusionary Zoning Ordinance, September 13, 2024 clean version

INCLUSIONARY ZONING ORDINANCE

DRAFT – September 13, 2024

Section 1601 Purpose.

The purpose of this Article is to promote the public health, safety, and general welfare by promoting housing of high quality, located in neighborhoods throughout the community, for households of all incomes, ages, and sizes, in order to promote a culturally and economically diverse population in the Town. Based upon the review and consideration of the Town's officially adopted Comprehensive Plan (2010) as well as subsequent reports and analyses of the housing situation in the Town of Easton, it is apparent that the diversity of the Town's housing stock has declined as a result of rapidly increasing property values and housing costs and a reduction in the availability of housing choices. In light of this situation, the Easton Town Council makes the following findings:

1. It is a legitimate public purpose of the Town to achieve a diverse and balanced community with housing available for households of all income levels. Economic diversity fosters social and environmental conditions that protect and enhance the social fabric of the Town and are beneficial to the health, safety, and general welfare of its residents.
2. The Town is experiencing an increasing shortage of Affordable Housing due in part to the high cost of newly constructed housing. As a result, much of the workforce is excluded from many new neighborhoods, live in overcrowded or substandard housing, and devote an inordinately large percentage of their incomes to pay for housing.
3. In the legitimate pursuit of other worthy and valid goals relative to growth management, redevelopment, and resource protection, the amount of land available for residential development in the Town of Easton is limited, thereby exacerbating the housing supply and affordability problem.
4. The Town recognizes the need to provide Affordable Housing in order to maintain a diverse population and provide housing for those who live or work in the Town and Talbot County.
5. Without intervention, the increasing housing prices is resulting in an inadequate supply of affordable housing for residents and employees, which will have a negative impact upon the ability of the Town to attract new employers; to maintain an adequate work force to retain and expand existing employers; to guarantee the public health, safety, and general welfare of the Town and its residents.
6. The remaining land available and appropriate for new residential development within the Town is limited. It is essential that a reasonable proportion of such land be developed into housing units affordable to households and working families.

7. While this Article provides specific alternatives to the production of on-site inclusionary units, the intent and preference of this Article is for the provision of inclusionary units constructed on-site and privately produced, owned, and managed.

Section 1602

Definitions.

1. Adaptive Reuse: Repurposing of an existing building(s) or structures, often obsolete or historic, for any use(s) other than the present use(s).
2. Affordability Gap: The entire amount of capital required to develop affordable housing to for prototypical renter and owner housing types appropriate to the Easton residential development market. The Affordability Gap is based on an Affordability Gap Analysis following industry best practice in the Gap methodology.
3. Affordable Housing Fund: The fund established in Article I of Chapter 13 of the Code of the Town of Easton.
4. Affordable Home Price: The maximum amount of a mortgage loan that could be obtained based on the monthly affordable mortgage payment that equals 95% of the Affordable Home Price; the homebuyer must provide a 5% down payment from their own funds.
5. Affordable Mortgage: The Affordable Mortgage at the then prevailing 30-year, fixed rate mortgage as published weekly by the Freddie Mac Priority Mortgage Survey, U.S. weekly averages (or successor).
5. Affordable Owner Expense: Housing cost that does not exceed one-twelfth of 35% of 100% of the Easton Area Median Income, adjusted for household size to include Principal and Interest, Taxes, and Property Insurance (PITI); Private Mortgage Insurance (PMI); and Homeowner Association dues.
6. Affordable Renter Housing Expense: Rent that is one-twelfth of 30% of 60% of the Easton Area Median Income, adjusted for household size, and net of utility allowance.
7. Applicant or Developer: A person, persons or entity that applies for a residential development and also includes the owner or owners of the property if the applicant does not own the property on which residential development is proposed.
8. Area Median Income (AMI): An annual estimate calculated and annually published by HUD for Talbot County. The basis for HUD's AMI is data from the American Community Survey for Talbot County, as used for the HOME and LIHTC programs. The current year AMI is adjusted by the Easton Affordable Housing Board based on Easton's median income.

9. Cash In Lieu Fee: A per-unit fee based on a per square foot basis for the fractional portion of for-sale and rental Inclusionary Units.

Cash In lieu Fees are initially established by the Town Council, upon recommendation by the Easton Affordable Housing Board, and are set at a level comparable to the Affordability Gap. The Cash In Lieu Fees shall be updated by the Easton Affordable Housing Board on an annual basis based on the trailing three-year average annual change in median household income (for the renter fee schedule) and the All Transactions House Price Index for Talbot County published by the U.S. Federal Housing Finance Agency (for the owner fee schedule). Cash In Lieu Fees may also include estimated costs of administration.

10. Continued Affordability: The time during which an inclusionary unit is subject to rental price controls and owner occupancy and resale requirements.
11. Covered Project: Any project meeting the criteria of this section shall be deemed a covered project. A covered project is subject to a Town of Easton Housing Inclusionary Housing Plan and Inclusionary Housing Agreement.
12. Density Bonus: Dwelling units approved in a residential development that are in excess of the maximum allowable residential density otherwise permitted by the Town of Easton.
13. First-time Homebuyer: Households who have not owned a home for at least three years.
14. Inclusionary Housing Agreement: An agreement between the Town of Easton and an applicant governing how the applicant shall comply with this Chapter.
15. Inclusionary Housing Guidelines: Any requirements for implementation and administration of this Chapter, recommended by the Easton Affordable Housing Board and adopted by the Town Council. Adopted Inclusionary Housing Guidelines may include, but not be limited to, standards for determining household composition; income eligibility and prices for sale and rental of Inclusionary Units; income limit schedules; inclusionary housing costs; design guidelines; provisions of continued monitoring of tenant eligibility; and document templates. Guidelines may also specify the contents of the Inclusionary Housing Plan and are updated on a regular basis.
16. Inclusionary Housing Plan: A plan containing all of the information specified in this Chapter, and includes the manner in which Inclusionary Units will be provided in conformance with this Chapter and any adopted Inclusionary Housing Guidelines.
17. Inclusionary Unit: A dwelling unit required by this Chapter to be affordable to households as specified in the Ordinance and subject to recorded affordability restrictions.

18. Market Rate Housing: Housing that already exists or is part of a proposed development that is based on existing area market values and demand and is not an Inclusionary Unit. Families making above 100% of the Area Median Income qualify for Market Rate Housing.
19. Ownership Residential Development: Any development that includes the creation of one or more residential dwelling units that may be sold individually.
20. Priority Preference: Priority preference for the sale or rental of units is given to persons who live or work in the Town of Easton or as otherwise determined by the Town Council.
21. Qualified Housing Organization: A public housing authority, a for-profit company, or a non-profit organization whose mission includes the purpose of providing Affordable Housing.
22. Rental Residential Development: Any development that creates one or more residential dwelling units that are not lawfully sold.
23. Residential Development: Any development that includes residential units for which a development site plan, preliminary plat subdivision, or building permit is required that includes:
 - (a) The creation of one or more dwelling units;
 - (b) The substantial rehabilitation of one or more dwelling units;
 - (c) The creation of dwelling units through adaptive reuse; or
 - (d) The conversion of non-residential uses to dwelling units.
24. Substantial Rehabilitation: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the structure's current appraised value before the improvement's start of construction.

Section 1603

Intent.

The intent of these regulations is:

1. To provide Affordable Housing opportunities and choices for all of Easton's citizens;
2. To mitigate the impact of market rate housing construction on the limited supply of available land suitable for Affordable Housing, thus excluding housing that meets the needs of all economic groups within the Town; and

3. To prevent overcrowding and deterioration of the limited supply of Affordable Housing, and thereby promoting the public health, safety and general welfare of the Town and its residents.
4. To promote the integration of Affordable Housing with Market Rate Housing.

Section 1604 Authority.

These regulations are enacted under the authority of Section 7-401 of the Land Use Article of the Annotated Code of Maryland.

Section 1605 Applicability.

1. Except as otherwise provided in this Chapter, these regulations shall apply to all residential development on a site, or portion thereof, at one location which is the subject of an application for a development site plan, preliminary plat subdivision, or building permit, whichever comes first.
2. Any revision or modification to an approved Final Site Plan, Final Plat, or Building Permit that would increase the number of residential units are subject to the requirements of this Chapter.

Section 1606 Exemptions.

1. This Chapter does not apply to a development that sets aside affordable dwelling units in accordance with Section 42 of the Federal Internal Revenue Code, pursuant to which a restricted covenant is to be recorded in the land records of Talbot County setting forth income limitations of tenants in accordance with the Federal Low Income Housing Tax Credit (LIHTC) Program in favor of the Maryland Department of Housing and Community Development or a subsidiary thereof or other governmental entity responsible for administration of the LIHTC Program. This exemption does not apply to market rate residential developments using LIHTC program financing that do not provide more affordable units or deeper levels of affordability than the minimum thresholds required for LIHTC affordability. **(look at the last sentence and communicate with the task force)**
2. A development is exempt from the requirements of this Chapter if, before **[insert date]**, the project has received approval for the earliest of a development site plan, preliminary plat, or building permit.
3. Accessory Dwelling Units are exempt from the provisions of this Chapter.

Section 1607 Inclusionary Housing Requirements.

1. Residential developments, including new construction, substantial rehabilitation of existing structures, adaptive reuse, conversion of all or a portion of a nonresidential use to residential use, and condominium and cooperative conversions of rental housing, shall provide 15% of the dwelling units in the residential development as Inclusionary Units upon the same site as the residential development as follows:
 - (a) Ownership Residential Development. The applicant shall provide Inclusionary Units in the residential development at an Affordable Home Price to households up to 100% of AMI, adjusted for household size.
 - (b) Rental Residential Development. The applicant shall provide Inclusionary Units in the residential development at an Affordable Renter Housing Expense to households making up to 60% of AMI, adjusted for household size.
2. In the event the required Inclusionary Units result in a fraction that does not evenly divide by the percentages required above, a Cash In Lieu Fee shall be paid for the required fractional portion.
3. Calculations of the number of Inclusionary Units required by this section shall be based on the number of dwelling units in the residential development, excluding any Density Bonuses.
4. When a residential development includes both ownership and rental dwelling units, the provisions of this Chapter that apply to Ownership Residential Development shall apply to that portion of the development that consists of ownership dwelling units, while the provisions of this Chapter that apply to Rental Residential Development shall apply to that portion of the development that consists of rental dwelling units.
5. Multiple developments or projects by the same applicant or responsible party within any consecutive twenty-four (24) month period that in the aggregate equal or exceed the above criteria shall be subject to these regulations.
6. An applicant for a development site plan, preliminary plat subdivision, or building permit shall not avoid the requirements of this chapter by submitting piecemeal applications. At the time of the application for first approval for the residential development, the applicant shall identify all contiguous property under common ownership and control. The applicant shall not be required to construct dwelling units upon the contiguous property at the time of the application for first approval; however, the applicant shall be required to include the contiguous property under common ownership or control in its Inclusionary Housing Plan. The Inclusionary Housing Agreement shall be recorded against the residential development and all contiguous property under common ownership or control. The agreement shall require compliance with this Chapter upon development of each contiguous property at such time as there are applications that would authorize a total of 25 or more residential units through new construction and/or substantial rehabilitation of existing structures, or 30 or more residential units through adaptive reuse or conversion of a nonresidential use to

residential use, for both the residential development and the contiguous property under common ownership or control.

7. An applicant shall not be exempt from the requirements by submitting phased applications for the residential development. Occupancy permits for no more than fifty percent (50%) of the market rate units shall be issued prior to the issuance of occupancy permits for fifty percent (50%) of the Inclusionary Units. Occupancy permits for no more than seventy-five percent (75%) of the market rate dwelling units shall be issued until occupancy permits have been issued for seventy-five percent (75%) of the Inclusionary Units for the residential development. Occupancy permits for no more than ninety percent (90%) of the market rate dwelling units shall be issued until occupancy permits have been issued for one hundred percent (100%) of the Inclusionary Units for the development.
8. The following information shall be submitted with each building permit application for a market rate dwelling unit within the residential development:
 - (a) The total number of dwelling units, market rate units, and Inclusionary Units proposed for the development;
 - (b) The number of occupancy permits already issued for market rate units within the development;
 - (c) The number of occupancy permits already issued for Inclusionary Units within the development; and
 - (d) The lot number or unit number of each Inclusionary Unit for which an occupancy permit has been issued.

Section 1608 Inclusionary Housing Incentives.

1. The developer of a residential development providing all required Inclusionary Units upon the same site as the market-rate units may, at the developer's sole option and concurrently with the submittal of the Inclusionary Housing Plan, may receive a Density Bonus of 20% above the otherwise maximum density allowed in the Town's zoning districts contained in Easton's official zoning map.
2. The developer of a residential development providing all required Inclusionary Units upon the same site as the market rate units may receive up to a 20% variance in development standard bulk requirements; lot size, lot frontage, lot coverage, height, and setbacks. The developer may also receive a modification from the required parking standards provided a parking study is provided that demonstrates that based on the number of spaces proposed, on-street parking will not be negatively affected.

Section 1609

Alternative Compliance Options.

1. In the case where Inclusionary Units are provided on-site pursuant to Section 1607 above, the developer shall provide Inclusionary Units at a price or rent approved by the Affordable Housing Board.
2. Alternatively, the developer may:
 - (a) Build at least one and one-half times the required number of the Inclusionary Units of the residential development off-site within the Town limits of Easton on property either owned by the Town or by partnering with a Qualified Housing Organization to build Inclusionary Units.
 - (b) The developer's proposal for off-site construction of Inclusionary Units is subject to Town Council review and approval. The Town may grant off-site construction approval if the proposal meets all of the following conditions:
 - 1) Off-site Inclusionary Units comply with a Town-approved Inclusionary Housing Plan and Agreement;
 - 2) A Financing Plan with financial commitments to close on construction financing for the off-site project is submitted to the Town for its advance review and written approval;
 - 3) The off-site location satisfied Town requirements for proximity to schools, jobs, shopping, services, transit, and recreation, is appropriately zoned for the Town-approved off-site location, and is certified free of environmental contamination and other development constraints (such as floodplain, substantial grading, significant on-site or off-site infrastructure costs, etc.);
 - 4) All entitlements and land development permits have been obtained; and
 - 5) Construction of the off-site Inclusionary Units must occur no later than simultaneously with the first phase of the market rate project.
 - (c) A developer may also fulfill their off-site requirement by purchasing land within the Town of Easton or the Town's Municipal Growth Areas and donating it to a Qualified Housing Organization or the Town of Easton to build the required number of Inclusionary Units provided the land meets the following requirements:
 - 1) The current appraised value of the proposed site, with existing zoning in place, is a least equivalent to 150% of the full gap for the appropriate renter or owner affordable unit obligation of the market rate project subject to the obligation;

- 2) The land is appropriately zoned for the affordable housing development;
 - 3) The site is buildable;
 - 4) The site is free of environmental issues;
 - 5) The land can accommodate the number of affordable units required under the Inclusionary Housing program;
 - 6) The land is located within the Town or the Town's Municipal Growth Areas; and
 - 7) The site is close to schools, jobs, shopping, recreation, transit, and suitable for family (or senior) housing.
3. Residential developments that consist of market-rate single-family detached units may provide a different housing type for the inclusionary units such as townhomes or duplexes.
 4. When the number of dwelling units proposed through adaptive reuse, or conversion of a nonresidential use to residential use, results in 30 or more units, a developer may propose an alternative compliance method to provide Inclusionary Units through other means consistent with this Chapter and any adopted Inclusionary Housing Guidelines. The Town Council, following a Planning Commission and Affordable Housing Board recommendation, may approve or conditionally approve such an alternative only if the Council determines, based on substantial evidence, that such alternative compliance will provide as many or more Inclusionary Units at the same or lower income levels or will otherwise provide greater public benefit than would the provision of the on-site Inclusionary Units.

Section 1610

Inclusionary Housing Plan and Agreement.

1. An application for the first approval of a residential development shall include an Inclusionary Housing Plan describing how the development will comply with the provisions of this Chapter and the Inclusionary Housing Guidelines. As an alternative to compliance with the basic provisions included in this Chapter, an applicant may propose one of the alternatives listed in Section 1609 of this Chapter as part of the Inclusionary Housing Plan.
2. Any proposed density bonus, variances, modification of parking standards, or other incentives shall be included in the inclusionary housing plan.
3. No application may be deemed complete unless an Inclusionary Housing Plan is submitted. The Inclusionary Housing Plan shall be processed concurrently with the development site plan, preliminary plat, or building permit, whichever occurs first. Before the Town of Easton approves the Inclusionary Housing Plan, the Town must affirmatively find that the Inclusionary Housing Plan conforms to the requirements set forth in this Chapter. The

inclusion agreement, described below, shall be recorded prior to the approval of any final site plan, final record plat, or building permit for the residential development, whichever occurs first.

4. The approved Inclusionary Housing Plan for a residential development, or for a building phase in a residential development, where phasing has been approved as part of planning permit approvals, may be amended prior to issuance of any building permit for the residential development or building phase, if applicable. A request for a minor modification of an approved Inclusionary Housing Plan may be granted by the Town Manager or their designee if the modification is substantially in compliance with the original Inclusionary Housing Plan and conditions of approval. Other modifications to the Inclusionary Housing Plan shall be processed in the same manner as the original plan.
5. The Inclusionary Housing Plan shall describe the applicant's marketing plan in conformance with Section 1613 below, which shall comply with all applicable fair housing and discrimination laws and shall not discriminate in the sale or rental of inclusionary units on the basis of race, color, religion, sex, familial status, national origin, marital status, sexual orientation, gender identity, disability, or source of income, with the exception of residential developments that comply with the Housing for Older Persons Act.
6. The applicant shall enter into an Inclusionary Housing Agreement with the Town of Easton, in a form approved by the Town Attorney, to be executed by the Mayor or their designee, to ensure that all the requirements of this chapter are satisfied.
 - (a) The Inclusionary Housing Agreement shall be recorded against the residential development prior to approval of any final site plan or final record plat, or issuance of any building permit, whichever occurs first. The agreement shall run with the property for the entire continued affordability period.
 - (b) The Inclusionary Housing Agreement shall specify the number, type, location, size, and phasing of all Inclusionary Units, provisions for income certification and screening of potential purchasers or renters of units, maintenance obligations, and the financing of ongoing administrative and monitoring costs, consistent with the approved Inclusionary Housing Plan and any adopted Inclusionary Housing Guidelines, as determined by the Town Manager or designee.
 - (c) The Inclusionary Housing Agreement shall define rent and sale price increase procedures, and provide formulas for how resale prices for ownership Inclusionary Units are calculated, including the ability for homeowners to capture some or all of the depreciated value of capital improvements they made to the Inclusionary Unit, and for sharing of excess profits after the control period ends.

- (d) In selecting households for the Inclusionary Units in accordance with this Chapter, the Inclusionary Housing Agreement shall specify preferences that shall be given as described in the Inclusionary Housing Guidelines, if any.

Section 1611 Percentage of Affordable Units.

All covered projects shall meet the percentage requirements for Inclusionary Units as specified in Section 1607. The percentage of Inclusionary units shall be calculated with a base number that excludes any bonus units added to the covered project under Section 1608.

Section 1612 General Standards for Inclusionary Units.

1. In addition to design requirements that may be specified in the Inclusionary Housing Guidelines, all covered projects must comply with the requirements set forth in subparagraphs (a) through (g) below:

(a) On-site Inclusionary Units shall be interspersed among market rate units.

(b) Bedroom count comparability between the market rate units and affordable units shall be provided. The distribution of unit sizes by bedroom count in the market rate units must match that of the affordable units in the project.

(c) The following occupancy standards are required by bedroom count for each Affordable unit:

Number of Bedrooms	Occupancy
Studio	1-2 Persons
1 Bedroom	1-2 Persons
2 Bedroom	2-4 Persons
3 Bedroom	3-6 Persons
4 Bedroom	5-8 Persons

(d) On-site Inclusionary Units may differ from the market units in a covered project with regard to interior amenities and gross floor area; provided, that:

- 1) These differences, excluding differences related to size differentials, are not apparent in the general exterior appearance of the project's units; and
- 2) These differences do not include insulation, windows, heating systems, dishwashers, cooking facilities, laundry facilities, and other improvements related to the energy efficiency of the project's units;

- 3) Inclusionary Units shall have at a minimum builder grade finishes on the interior, including appliances, and a basic landscaping package similar to the package included with market-rate units; and
- 4) The gross floor area of the Inclusionary Units is not less than the following minimum requirements, unless otherwise recommended in the Inclusionary Housing Guidelines approved by the Easton Town Council.

NUMBER OF BEDROOMS	Minimum SIZE
Studios	600 square feet
One bedroom	850 square feet
Two bedrooms	1,100 square feet
Three bedrooms	1,300 square feet
Four bedrooms	1,500 square feet

- (e) The Inclusionary Units shall have the same amenities as the market rate units included within the development, such as access to and enjoyment of common open space, parking, storage, and other facilities in the residential development.
- (f). Residential developments may choose to use the following alternative standards for the Inclusionary Units:
 - 1) Unit size reductions, as long as the bedroom count comparability with the market rate units is maintained, and the minimum square footages as specified in Section 1612 are maintained;
 - 2) Reduction by one in the number of bathrooms provided the number of bathrooms provided in market-rate units closely approximates the number of bedrooms;
- (g) Priority in the sale of on-site Inclusionary Units may be established by criteria specified in the Inclusionary Housing Guidelines;
- (h) Except for household income limitations as set forth herein, occupancy of any on-site Inclusionary Unit shall not be limited by any conditions that are not otherwise applicable to all units within the covered project; and
- (i) The final calculations for the number of on-site Inclusionary Units and the initial sales or rental price for these units shall be made prior to the issuance of building permits for the covered project.

Section 1613

For-Sale of Inclusionary Units.

1. The Developer (or designee) is responsible for the screening and qualification of the initial purchaser of a for-sale Inclusionary Unit. The Developer must provide 90 days advance written notice to the Town of Easton and the Easton Affordable Housing Board prior to the initial marketing of the Inclusionary Units for the calculation of the affordable housing cost, as adjusted to an Affordable Sales Price, pursuant to this Chapter and the Inclusionary Housing Guidelines. Final approval of qualified applicants is contingent on approval by the Easton Affordable Housing Board.
2. Every unit shall be first marketed to priority persons, as established by the Easton Affordable Housing Board, for 90 days from the initial marketing period. Following the priority marketing period, a unit may be offered for sale to the general public.
3. The Easton Affordable Housing Board shall establish guidelines for the calculation of the Affordable Sales Price for an Inclusionary Unit within a residential development and the calculation shall be updated yearly thereafter.
4. The purchaser of a for-sale Inclusionary Unit shall execute and consent to the affordability restrictions and other conditions at the settlement of the property. The property shall be sold subject to Covenants in a form approved by the Town Attorney.
5. The Inclusionary Unit shall be the purchaser's primary place of residence.

Section 1614 Rental of Inclusionary Units.

1. The developer, property owner, or property manager is responsible for verifying household income eligibility and for incorporating any applicable priority preference requirements for the selection of households into the screening process.
2. Every unit will be first marketed to priority persons, as established by the Easton Affordable Housing Board, for 90 days from the initial marketing period. Following the priority marketing period, a unit may be offered for sale to the general public.
3. The Easton Affordable Housing Board shall establish guidelines for the calculation of the Affordable Rental Rate for an Inclusionary Unit within a residential development and the calculation shall be updated yearly thereafter.
4. In situations where there are multiple affordability restrictions/income or rent limits set by different funding requirements, the residential development shall adhere to the strictest requirement so it can meet all of the layering restrictions.
5. The maximum Affordable Rental Rates shall be adjusted annually based on the most recently published Household Income Limits by the Easton Housing Affordability Board. The Board shall notify the property owner or property manager of the new rental rates. If the owner chooses to raise rents, the tenant must be given at least a sixty (60) day notice before

any rent increase and the opportunity to terminate the lease if the rental amount is unacceptable. This provision does not give the landlord the right to increase the rental amount if the lease provides otherwise.

6. Each residential development containing rental Inclusionary Units shall be subject to an annual compliance process, which shall be specified in the Inclusionary Housing Agreement.
7. Rental Inclusionary Unit tenants will be subject to the same conditions of tenancy as other tenants occupying the same property, except for the requirements provided by this Chapter and terms related to occupancy, income eligibility, annual recertification, limits on rents, and other terms that may be included in the Inclusionary Housing Guidelines.
8. The initial lease term for the rental Inclusionary Unit shall be for one year.

Section 1615 Marketing of Inclusionary Units.

Any applicant developing a covered project shall adhere to the following provisions with respect to the initial offering of Inclusionary Units for sale or rent:

1. The developer and owner shall be responsible for marketing, renting, and selling of all Inclusionary Units.
2. The developer and owner shall notify the Easton Affordable Housing Board and the Town of Easton of the prospective availability of any Inclusionary Units at the time that the building permit is issued for such units in a covered project.
3. The property owner or property manager shall post each vacant rental Inclusionary Unit as soon as possible but not later than ten (10) days after notice of an impending vacancy and provide advanced notice of the opening to the Easton Affordable Housing Board and the Town of Easton.
4. The developer and owner may assign its options under this section to a Qualified Housing Organization dedicated to the provision of Affordable Housing, in which event it shall notify the Easton Affordable Housing Board and the Town of Easton of the organization to which it has assigned the option. The Qualified Housing Organization shall deal directly with the developer and owner. The Qualified Housing Organization and the organization's plan for the property shall be subject to approval by the Easton Affordable Housing Board.

Section 1616 Continued Affordability Requirements.

All covered projects shall comply with the following provisions to ensure continued affordability of Inclusionary Units provided under this Chapter and required to be continually affordable under Section 1606.

1. Continued Affordability Requirement. All inclusionary rental units shall remain affordable for a period of no less than ninety-nine (99) years commencing from the date of initial occupancy of the units. Ownership residential Inclusionary Units shall remain affordable for a period of no less than thirty (30) years commencing from the date of initial occupancy of the units. The proceeds from the sale of an Ownership residential Inclusionary Unit are limited to, net of the selling costs, the amortization of the first mortgage principal and increase, if any, in the Affordable Resale Price linked to increases in the AMI and adjustments for prevailing 30-year fixed rate mortgage rates at the time of resale. With the sale of an Ownership Inclusionary Unit during the continued affordability period, a new resale restriction period shall be imposed.
2. Deed Restrictions. Provisions to ensure continued affordability of Inclusionary Units shall be embodied in legally binding agreements, covenants, and/or deed restrictions, which shall be prepared by the developer, but which shall not be recorded or filed until reviewed and approved by the Town Attorney with such modifications as it may deem necessary to carry out the purpose of this article. Any adopted Inclusionary Housing Guidelines may include standard documents.
3. Purchase Option. Provisions for continued affordability of Inclusionary Units shall provide that the Easton Affordable Housing Board or its designee shall have an exclusive option to purchase any Inclusionary Unit when it is offered for resale. The purchase option shall be for a period of ninety (30) days from the date on which the Board is notified of the availability of the unit. The purchase price shall be calculated as per the appreciation allowances specified in the deed restrictions and the Inclusionary Housing Agreement.
4. Leasing/Subletting Restrictions. Provisions for continued affordability of Inclusionary Units shall prohibit subletting or leasing of the property. This provision may be waived by the Easton Affordable Housing Board in writing to allow a temporary rental of the Inclusionary Unit for good and sufficient cause under terms that may be specified in the Inclusionary Housing Guidelines.

Section 1617 Transfer of Development.

For all approved covered projects that transfer ownership of the approved development, the new owner or developer shall be subject to all sections of this Chapter.

Section 1618 Enforcement.

Violations of this article shall be punishable as provided by **Article X** of this Chapter.

Section 1619 Administration.

1. Approved site plans and/or record final subdivision plats shall identify the specific number and location of each type of unit, by bedroom count, which are to be regulated as Inclusionary Units and a tabulation that demonstrates that the number of units provided satisfies the number of required units.
2. Written documentation and/or plans demonstrating that the affordable housing units are in conformance with Section 1609.1(d) shall be provided to the Office of Permits and Inspections prior to building permit issuance for the Inclusionary Units.
3. The Easton Affordable Housing Board shall monitor activity under this article and shall provide a report no less than every two (2) years to the Town Council, setting forth its findings, conclusions and recommendations for changes that will render the program more effective. The report described above shall be presented to the Town Council at a public meeting.

INCLUSIONARY ZONING ORDINANCE

DRAFT – ~~February 7~~September 13, 2024

Section 1601 Purpose.

The purpose of this Article is to promote the public health, safety, and general welfare by promoting housing of high quality, located in neighborhoods throughout the community, for households of all incomes, ages, and sizes, in order to promote a culturally and economically diverse population in the Town. Based upon the review and consideration of the Town's officially adopted Comprehensive Plan (2010) as well as subsequent reports and analyses of the housing situation in the Town of Easton, it is apparent that the diversity of the Town's housing stock has declined as a result of rapidly increasing property values and housing costs and a reduction in the availability of housing choices. In light of this situation, the Easton Town Council makes the following findings:

1. It is a legitimate public purpose of the Town to achieve a diverse and balanced community with housing available for households of all income levels. Economic diversity fosters social and environmental conditions that protect and enhance the social fabric of the Town and are beneficial to the health, safety, and general welfare of its residents.
2. The Town is experiencing an increasing shortage of ~~Affordable~~Attainable Housing due in part to the high cost of newly constructed housing. As a result, much of the workforce is excluded from many new neighborhoods, live in overcrowded or substandard housing, and devote an inordinately large percentage of their incomes to pay for housing.
3. In the legitimate pursuit of other worthy and valid goals relative to growth management, redevelopment, and resource protection, the amount of land available for residential development in the Town of Easton is limited, thereby exacerbating the housing supply and affordability problem.
4. The Town recognizes the need to provide ~~Affordable~~Attainable Housing in order to maintain a diverse population and provide housing for those who live or work in the Town and Talbot County.
5. Without intervention, the increasing housing prices is resulting in an inadequate supply of affordable housing for residents and employees, which will have a negative impact upon the ability of the Town to attract new employers; to maintain an adequate work force to retain and expand existing employers; to guarantee the public health, safety, and general welfare of the Town and its residents.
6. The remaining land available and appropriate for new residential development within the Town is limited. It is essential that a reasonable proportion of such land be developed into housing units ~~affordable~~attainable to households and working families.

7. While this Article provides specific alternatives to the production of on-site inclusionary units, the intent and preference of this Article is for the provision of inclusionary units constructed on-site and privately produced, owned, and managed.

Section 1602

Definitions.

1. Adaptive Reuse: Repurposing of an existing building(s) or structures, often obsolete or historic, for any use(s) other than the present use(s).
2. Affordability Gap: The entire amount of capital required to develop affordable housing for prototypical renter and owner housing types appropriate to the Easton residential development market. The Affordability Gap is based on an Affordability Gap Analysis following industry best practice in the Gap methodology.
3. Affordable Housing Fund: The fund established in Article I of Chapter 13 of the Code of the Town of Easton.
4. Affordable Home Price: The maximum amount of a mortgage loan that could be obtained based on the monthly affordable mortgage payment that equals 95% of the Affordable Home Price; the homebuyer must provide a 5% down payment from their own funds.
5. ~~Affordable Rental Rates: Based on household income limits that do not exceed the following:~~
 - ~~Very low-income households: one-twelfth of 30 percent of 50 percent of Median Family Income, adjusted for household size, appropriate for the unit or market rent, whichever is less.~~
 - ~~Low-income households: one-twelfth of 30 percent of 60 percent of Median Family Income, adjusted for household size, appropriate for the unit or market rent, whichever is less.~~
1. ~~Affordable Sales Price: The maximum amount of a mortgage loan that could be obtained based on the monthly affordable mortgage payment, interest rate, and a fully amortized 30-year fixed rate mortgage. The affordable sales price is adjusted based on a reasonable down payment.~~
4. Affordable Mortgage: The Affordable Mortgage at the then prevailing 30-year, fixed rate mortgage as published weekly by the Freddie Mac Priority Mortgage Survey, U.S. weekly averages (or successor).
5. Affordable Owner Expense: Housing cost that does not exceed one-twelfth of 35% of 100% of the Easton Area Median Income, adjusted for household size to include Principal and

Interest, Taxes, and Property Insurance (PITI); Private Mortgage Insurance (PMI); and Homeowner Association dues.

6. Affordable Renter Housing Expense: rent that is one-twelfth of 30% of 60% of the Easton Area Median Income, adjusted for household size, and net of utility allowance.

7. Applicant or Developer: A person, persons or entity that applies for a residential development and also includes the owner or owners of the property if the applicant does not own the property on which residential development is proposed.

8. Area Median Income (AMI): An annual estimate calculated and annually published by HUD for Talbot County. The basis for HUD's AMI is data from the American Community Survey for Talbot County, as used for the HOME and LIHTC programs. The current year AMI is adjusted by the Easton Affordable Housing Board based on Easton's median income.

~~Attainable Housing: Housing types, through ownership or rental, that are attainable to those households making 100% or less of the MFI and generally do not spend more than 30% of their income on housing costs.~~

9. ~~Charges: Expenses the owner of a home pays over the course of owning it. These costs usually include utilities, debt service payments, property taxes, insurance, deferred water and sewer fees, and home owner association fees, among other items.~~
10. Cash In Lieu Fee: A per-unit fee based on a per square foot basis for the fractional portion of for-for-sale and rental Inclusionary Units. ~~as an alternative compliance option when the number of dwelling units proposed through adaptive reuse or conversion of a nonresidential use to residential results in the creation of 30 or more new dwelling units. The fee is mandatory for new construction or substantial rehabilitation that results in 15 to 24 new residential dwelling units, or for adaptive reuse, or conversion of a nonresidential use to residential that results in 15 to 29 new residential dwelling units.~~

Cash In lieu Fees ~~as an alternative compliance option~~ are initially established by the Town Council, upon recommendation by the Easton Affordable Housing Board, and are set at a level comparable to the Affordability Gap. ~~Mandatory Cash In Lieu Fees are initially established in this Chapter.~~ The Cash In Lieu Fees shall be updated by the Easton Affordable Housing Board on an annual basis based on the trailing three-year average annual change in median household income (for the renter fee schedule) and the All Transactions House Price Index for Talbot County published by the U.S. Federal Housing Finance Agency (for the owner fee schedule). Cash In Lieu Fees ~~and~~ may also include estimated costs of administration.

11. Continued Affordability: The time during which an inclusionary unit is subject to rental price controls and owner occupancy and resale requirements.
12. Covered Project: Any project meeting the criteria of this section shall be deemed a covered project. A covered project is subject to a Town of Easton Housing Inclusionary Housing Plan and Inclusionary Housing Agreement.
13. Density Bonus: Dwelling units approved in a residential development that are in excess of the maximum allowable residential density otherwise permitted by the Town of Easton.
14. First-time Homebuyer: Households who have not owned a home for at least three years.
15. Inclusionary Housing Agreement: An agreement between the Town of Easton and an applicant governing how the applicant shall comply with this Chapter.
16. Inclusionary Housing Guidelines: Any requirements for implementation and administration of this Chapter, recommended by the Easton Affordable Housing Board and adopted by the Town Council. Adopted Inclusionary Housing Guidelines may include, but not be limited to, standards for determining household composition; income eligibility and prices for sale and rental of Inclusionary Units; income limit schedules; inclusionary housing costs ~~or Carrying Charges~~; design guidelines; provisions of continued monitoring of tenant eligibility; and document templates. Guidelines may also specify the contents of the Inclusionary Housing Plan and are updated on a regular basis.
17. Inclusionary Housing Plan: A plan containing all of the information specified in this Chapter, and includes the manner in which Inclusionary Units will be provided in conformance with this Chapter and any adopted Inclusionary Housing Guidelines.
18. Inclusionary Unit: A dwelling unit required by this Chapter to be affordable to ~~very low, low, median, or moderate income~~ households as specified in the Ordinance and subject to recorded affordability restrictions.

~~Low-Income Households: Those households whose income does not exceed 60% of the MFI, adjusted for household size.~~

19. Market Rate Housing: Housing that already exists or is part of a proposed development that is based on existing area market values and demand and is not an Inclusionary Unit. Families making above 100% of the ~~Median Family~~Area Median Income qualify for Market Rate Housing.
20. ~~Median Family Income (MFI): An annual estimate calculated by HUD as a function of the area's MFI. The basis for HUD's MFI is data from the American Community Survey. The MFI is adjusted each year by the Easton Affordable Housing Board based on Easton's median income.~~

21. ~~Median-Income Households: Those households whose income does not exceed 80% of the MFI, adjusted for household size appropriate for the unit.~~
22. ~~Moderate-Income Households: Those households whose income does not exceed 100% of the MFI, adjusted for household size appropriate for the unit.~~
23. ~~Monthly Affordable Mortgage Payment: The cost that will be affordable to the specified household at the specified income level as follows:-~~
24. ~~Median-income households: one-twelfth of 30 percent times 80 percent of Median Family Income adjusted for household size appropriate for the unit.~~
- (a) ~~Moderate-income households: One-twelfth of 30 percent times 100 percent of Median Family Income adjusted for household size appropriate for the unit.~~
- (b) ~~The monthly affordable mortgage payment is adjusted based on property taxes, homeowner association fees, mortgage insurance and property insurance premiums, utility costs, and a reasonable allowance for property maintenance and repairs.~~
25. Ownership Residential Development: Any development that includes the creation of one or more residential dwelling units that may be sold individually.
26. Priority Preference: Priority preference for the sale or rental of units is given to persons who live or work in the Town of Easton or as otherwise determined by the Town Council.
27. Qualified Housing Organization: A public housing authority, a for-profit company, or a non-profit organization whose mission includes the purpose of providing AffordableAttainable Housing.
28. Rental Residential Development: Any development that creates one or more residential dwelling units that are not lawfully sold.
29. Residential Development: Any development that includes residential units for which a development site plan, preliminary plat subdivision, or building permit is required that includes:
- (a) The creation of one or more dwelling units;
 - (b) The substantial rehabilitation of one or more dwelling units;
 - (c) The creation of dwelling units through adaptive reuse; or
 - (d) The conversion of non-residential uses to dwelling units.

30. Substantial Rehabilitation: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the structure's ~~market~~current appraised value before the improvement's start of construction.
31. ~~Very Low Income Household: Those households whose income does not exceed 50% of the MFI, adjusted for household size.~~

Section 1603 Intent.

The intent of these regulations is:

1. To provide ~~Attainable~~affordable Housing opportunities and choices for all of Easton's citizens;
2. To mitigate the impact of market rate housing construction on the limited supply of available land suitable for ~~Affordable~~attainable Housing, thus excluding housing that meets the needs of all economic groups within the Town; and
3. To prevent overcrowding and deterioration of the limited supply of ~~Affordable~~attainable Housing, and thereby promoting the public health, safety and general welfare of the Town and its residents.
4. To promote the integration of ~~Affordable~~attainable Housing with Market Rate Housing.

Section 1604 Authority.

These regulations are enacted under the authority of Section 7-401 of the Land Use Article of the Annotated Code of Maryland.

Section 1605 Applicability.

1. Except as otherwise provided in this Chapter, these regulations shall apply to all residential development on a site, or portion thereof, at one location which is the subject of an application for a development site plan, preliminary plat subdivision, or building permit, whichever comes first.
2. Any revision or modification to an approved Final Site Plan, Final Plat, or Building Permit that would increase the number of residential units are subject to the requirements of this Chapter.

Section 1606

Exemptions.

~~Residential developments proposing less than 15 new dwelling units.~~

1. This Chapter does not apply to a development that sets aside affordable dwelling units in accordance with Section 42 of the Federal Internal Revenue Code, pursuant to which a restricted covenant is to be recorded in the land records of Talbot County setting forth income limitations of tenants in accordance with the Federal Low Income Housing Tax Credit (LIHTC) Program in favor of the Maryland Department of Housing and Community Development or a subsidiary thereof or other governmental entity responsible for administration of the ~~Federal Low Income Housing Tax Credit~~ Program. This exemption does not apply to market rate residential developments using LIHTC program financing that do not provide more affordable units or deeper levels of affordability than the minimum thresholds required for LIHTC affordability.
2. A development is exempt from the requirements of this Chapter if, before [insert date], the project has received approval for the earliest of a development site plan, preliminary plat, or building permit.
3. ~~Projects undertaken by a Qualified Housing Organization, or a continuing care retirement community if at least 10% of the persons renting or purchasing units within the retirement community would be considered eligible to buy or rent an Inclusionary Unit.~~
4. Accessory Dwelling Units are exempt from the provisions of this Chapter.

~~Any development project undertaken by the Town of Easton is exempt from the requirements of this Chapter.~~

Section 1607

Inclusionary Housing Requirements.

1. ~~Residential developments proposing between 15 and 24 dwelling units through new construction and/or substantial rehabilitation of existing structures, or the creation of 15 to 29 dwelling units through adaptive reuse or conversion of all or a portion of a nonresidential use to residential use, shall provide a Cash In Lieu Fee for each unit prior to issuance of the first building permit. The initial fees are established in this Chapter and are as follows:~~
 - (a) ~~Average market rate unit price within the development is under \$300,000 = \$3,000-per permit~~
 - (b) ~~Average market rate unit price within the development is \$300,000-\$500,000 = \$5,000-per permit~~

- (c) ~~Average market rate unit price within the development is over \$500,000 – \$7,500-per permit~~
2. Residential developments, ~~including proposing 25 or more new dwelling units through new construction, and/or substantial rehabilitation of existing structures, or the creation of 30 or more new dwelling units through~~ adaptive reuse, ~~or~~ conversion of all or a portion of a nonresidential use to residential use, ~~and condominium and cooperative conversions of rental housing,~~ shall provide ~~150~~ 50% of the dwelling units in the residential development as Inclusionary Units upon the same site as the residential development as follows:
- (a) Ownership ~~R~~Residential ~~d~~Development. The applicant shall provide Inclusionary Units in the residential development at an Affordable Home Price to households up to 100% of AMI, adjusted for household size.:
- 1) ~~50% of the Inclusionary Units in the residential development available at an affordable sales price to Median-Income Households~~
 - 2) ~~50% of the Inclusionary Units in the residential development available at an affordable sales price to Moderate-Income Households~~
- (b) Rental Residential Development. The applicant shall provide Inclusionary Units in the residential development at an Affordable Renter Housing Expense to households up to 60% of AMI, adjusted for household size.:
- 1) ~~50% off the Inclusionary Units in the residential development available at an affordable rent to Very Low-Income Households~~
 - 2) ~~50% of the Inclusionary Units in the residential development available at an affordable rent to Low-Income Households~~
3. ~~In the event only one Inclusionary Unit is required, the Inclusionary Unit shall be provided at the lower required affordability level.~~ In the event the required Inclusionary Units result in a fraction that does not evenly divide by the percentages required above, a Cash In Lieu Fee shall be paid for the required fractional portion ~~shall be rounded up to one Inclusionary Unit.~~
4. Calculations of the number of Inclusionary Units required by this section shall be based on the number of dwelling units in the residential development, excluding any Density Bonuses.
5. When a residential development includes both ownership and rental dwelling units, the provisions of this Chapter that apply to Ownership Residential Development shall apply to that portion of the development that consists of ownership dwelling units, while the provisions of this Chapter that apply to Rental Residential Development shall apply to that portion of the development that consists of rental dwelling units.

6. Multiple developments or projects by the same applicant or responsible party within any consecutive twenty-four (24) month period that in the aggregate equal or exceed the above criteria shall be subject to these regulations.
7. An applicant for a development site plan, preliminary plat subdivision, or building permit shall not avoid the requirements of this chapter by submitting piecemeal applications. At the time of the application for first approval for the residential development, the applicant shall identify all contiguous property under common ownership and control. The applicant shall not be required to construct dwelling units upon the contiguous property at the time of the application for first approval; however, the applicant shall be required to include the contiguous property under common ownership or control in its Inclusionary Housing Plan. The Inclusionary Housing Agreement shall be recorded against the residential development and all contiguous property under common ownership or control. The agreement shall require compliance with this Chapter upon development of each contiguous property at such time as there are applications that would authorize a total of 25 or more residential units through new construction and/or substantial rehabilitation of existing structures, or 30 or more residential units through adaptive reuse or conversion of a nonresidential use to residential use, for both the residential development and the contiguous property under common ownership or control.
8. An applicant shall not be exempt from the requirements by submitting phased applications for the residential development. Occupancy permits for no more than fifty percent (50%) of the market rate units shall be issued prior to the issuance of occupancy permits for fifty percent (50%) of the Inclusionary Units. Occupancy permits for no more than seventy-five percent (75%) of the market rate dwelling units shall be issued until occupancy permits have been issued for seventy-five percent (75%) of the Inclusionary Units for the residential development. Occupancy permits for no more than ninety percent (90%) of the market rate dwelling units shall be issued until occupancy permits have been issued for one hundred percent (100%) of the Inclusionary Units for the development.
9. The following information shall be submitted with each building permit application for a market rate dwelling unit within the residential development:
 - (a) The total number of dwelling units, market rate units, and Inclusionary Units proposed for the development;
 - (b) The number of occupancy permits already issued for market rate units within the development;
 - (c) The number of occupancy permits already issued for Inclusionary Units within the development; and
 - (d) The lot number or unit number of each Inclusionary Unit for which an occupancy permit has been issued.

Section 1608

Inclusionary Housing Incentives.

1. The developer of a residential development ~~on a base residential zoning district~~ providing all required Inclusionary Units upon the same site as the market-rate units may, at the developer's sole option and concurrently with the submittal of the Inclusionary Housing Plan, may receive a Density Bonus of 20% ~~from above the otherwise the maximum density base zoning district~~ allowed in the Town's zoning districts contained in Easton's official zoning map.
2. The developer of a residential development providing all required Inclusionary Units upon the same site as the market rate units may receive up to a 20% variance in development standards ~~bulk requirements, including~~ lot size, lot frontage, lot coverage, height, and setbacks. The developer may also receive, as well as a 20% modification from the required parking standards provided a parking study is provided that demonstrates that based on the number of spaces proposed, on-street parking will not be negatively affected.
3. ~~New developments proposing 25 or more dwelling units through new construction and/or substantial rehabilitation of existing structures, or the creation of 30 or more dwelling units through adaptive reuse or conversion of a nonresidential use to residential use shall receive:~~
4. ~~A cash subsidy from the Affordable Housing Fund for the deferral of the payment of Impact Fees in accordance with Section 29.5 of the Code of the Town of Easton provided that the Town Council has allocated affordable housing reserves in the general fund as part of the Town's budget process.~~
5. ~~Residential developments that provide at least 20% of the dwelling units as Inclusionary Units shall be eligible for real property tax abatement or a payment in lieu of taxes as established by the Town Council.~~

Section 1609

Alternative Compliance Options.

1. In the case where Inclusionary Units are provided on-site pursuant to Section 1607 above, the developer shall provide Inclusionary Units at a price or rent approved by the Affordable Housing Board. ~~Nothing in this Chapter precludes the developer from partnering with a Qualified Housing Organization to build the on-site Inclusionary Units provided at least 10% of the units within the development project would be considered eligible to buy or rent by persons at or below the income limitations specified in Section 1607 of this Chapter.~~
2. Alternatively, the developer may:

- (a) Build at least one and one-half times the required number of the Inclusionary Units of the residential development off-site within the Town limits of Easton on property either owned by the Town or by partnering with a Qualified Housing Organization to build Inclusionary Units.
- (b) The developer's proposal for off-site construction of Inclusionary Units is subject to Town Council review and approval. The Town may grant off-site construction approval if the proposal meets all of the following conditions:
- 1) Off-site Inclusionary Units comply with a Town-approved Inclusionary Housing Plan and Agreement;
 - 2) A Financing Plan with financial commitments to close on construction financing for the off-site project is submitted to the Town for its advance review and written approval;
 - 3) The off-site location satisfied Town requirements for proximity to schools, jobs, shopping, services, transit, and recreation, is appropriately zoned for the Town-approved off-site location, and is certified free of environmental contamination and other development constraints (such as floodplain, substantial grading, significant on-site or off-site infrastructure costs, etc.);
 - 4) All entitlements and land development permits have been obtained; and
 - 5) Construction of the off-site Inclusionary Units must occur no later than simultaneously with the first phase of the market rate project .
- (c) A developer may also fulfill their off-site requirement by purchasing land within the Town of Easton or the Town's Municipal Growth Areas and donating it to a Qualified Housing Organization or the Town of Easton to build ~~at a minimum one and one-half times~~ the required number of Inclusionary Units provided the land meets the following requirements:-
- 1) The current appraised value of the proposed site, with existing zoning in place, is a least equivalent to 150% of the full gap for the appropriate renter or owner affordable unit obligation of the market rate project subject to the obligation;
 - 2) The land is appropriately zoned for the affordable housing development;
 - 3) The site is buildable;
 - 4) The site is free of environmental issues;

- 5) The land can accommodate the number of affordable units required under the Inclusionary Housing program;
 - 6) The land is located within the Town or the Town's Municipal Growth Areas; and
 - 7) The site is close to schools, jobs, shopping, recreation, transit, and suitable for family (or senior) housing
- (d) ~~The developer's proposal for off-site construction of Inclusionary Units is subject to Town Council review and approval. The Town may grant off-site construction approval if the proposal meets all of the following conditions:~~
- 1) ~~Off-site Inclusionary Units shall comply with the general requirements defined in Section 1610 and with any adopted Inclusionary Housing Guidelines;~~
 - 2) ~~Financing or a viable financing plan, which may include public funding, shall be in place for the off-site Inclusionary Units;~~
 - 3) ~~The off-site location, based on location, size, and existing conditions, is suitable for the proposed inclusionary housing and is consistent with any adopted Inclusionary Housing Guidelines;~~
 - 4) ~~All entitlements and land development permits have been obtained; and~~
 - 5) ~~Construction of the off-site Inclusionary Units may not have commenced prior to the first approval of the residential development.~~
- (e) ~~The Town Council may approve a combination of on-site and off-site Inclusionary Units equivalent to providing at a minimum one and one-half times the required number of Inclusionary Units and subject to subsection (c) above.~~
3. Residential developments that consist of market-rate single-family detached units may provide a different housing type for the inclusionary units such as townhomes or duplexes.
 4. ~~Residential developments proposing the creation of 30 or more dwelling units through adaptive reuse or conversion of all or a portion of a nonresidential use to residential use may provide a Cash in Lieu Fee. A request for a Cash In Lieu Fee shall be made concurrently with the development site plan, preliminary subdivision or building permit application, whichever comes first.~~
 - (a) ~~The Town shall not issue a building permit for any market rate housing units until all Cash In Lieu Fees have been paid to the Town of Easton.~~

- (b) ~~Cash In Lieu Fees are to be paid prior to issuance of the first building permit and shall be calculated in terms of current dollars, adjusted by the CPI, at the time the actual contribution is officially transferred to the Town.~~
 - (c) ~~Cash In Lieu Fees collected shall be placed in the Affordable Housing Fund to be used by the Easton Affordable Housing Board for their programs.~~
 - (d) ~~The density bonus described in Section 1608 of this Chapter may not be used for a project that fulfills the requirement of this Chapter by making a Cash In Lieu Fee payment in lieu of building the Inclusionary Units.~~
5. When the number of dwelling units proposed through adaptive reuse, or conversion of a nonresidential use to residential use, results in 30 or more units, a developer may propose an alternative compliance method to provide Inclusionary Units through other means consistent with this Chapter and any adopted Inclusionary Housing Guidelines. The Town Council, following a Planning Commission and Affordable Housing Board recommendation, may approve or conditionally approve such an alternative only if the Council determines, based on substantial evidence, that such alternative compliance will provide as many or more Inclusionary Units at the same or lower income levels or will otherwise provide greater public benefit than would the provision of the on-site Inclusionary Units.

Section 1610

Inclusionary Housing Plan and Agreement.

1. An application for the first approval of a residential development shall include an Inclusionary Housing Plan describing how the development will comply with the provisions of this Chapter and the Inclusionary Housing Guidelines. As an alternative to compliance with the basic provisions included in this Chapter, an applicant may propose one of the alternatives listed in Section 1609 of this Chapter as part of the Inclusionary Housing Plan.
2. Any proposed density bonus, variances, modification of parking standards, or other incentives shall be included in the inclusionary housing plan.
3. No application may be deemed complete unless an Inclusionary Housing Plan is submitted. The Inclusionary Housing Plan shall be processed concurrently with the development site plan, preliminary plat, or building permit, whichever occurs first. Before the Town of Easton approves the Inclusionary Housing Plan, the Town must affirmatively find that the Inclusionary Housing Plan conforms to the requirements set forth in this Chapter. The inclusion agreement, described below, shall be recorded prior to the approval of any final site plan, final record plat, or building permit for the residential development, whichever occurs first.

4. The approved Inclusionary Housing Plan for a residential development, or for a building phase in a residential development, where phasing has been approved as part of planning permit approvals, may be amended prior to issuance of any building permit for the residential development or building phase, if applicable. A request for a minor modification of an approved Inclusionary Housing Plan may be granted by the Town Manager or their designee if the modification is substantially in compliance with the original Inclusionary Housing Plan and conditions of approval. Other modifications to the Inclusionary Housing Plan shall be processed in the same manner as the original plan.
5. The Inclusionary Housing Plan shall describe the applicant's marketing plan in conformance with Section 1613 below, which shall comply with all applicable fair housing and discrimination laws and shall not discriminate in the sale or rental of inclusionary units on the basis of race, color, religion, sex, familial status, national origin, marital status, sexual orientation, gender identity, disability, or source of income, with the exception of residential developments that comply with the Housing for Older Persons Act.
6. The applicant shall enter into an Inclusionary Housing Agreement with the Town of Easton, in a form approved by the Town Attorney, to be executed by the Mayor or their designee, to ensure that all the requirements of this chapter are satisfied.
 - (a) The Inclusionary Housing Agreement shall be recorded against the residential development prior to approval of any final site plan or final record plat, or issuance of any building permit, whichever occurs first. The agreement shall run with the property for the entire continued affordability period.
 - (b) The Inclusionary Housing Agreement shall specify the number, type, location, size, and phasing of all Inclusionary Units, provisions for income certification and screening of potential purchasers or renters of units, maintenance obligations, and the financing of ongoing administrative and monitoring costs, consistent with the approved Inclusionary Housing Plan and any adopted Inclusionary Housing Guidelines, as determined by the Town Manager or designee.
 - (c) The Inclusionary Housing Agreement shall define rent and sale price increase procedures, and provide formulas for how resale prices for ownership Inclusionary Units are calculated, including the ability for homeowners to capture some or all of the depreciated value of capital improvements they made to the Inclusionary Unit, and for sharing of excess profits after the control period ends.
 - (d) In selecting households for the Inclusionary Units in accordance with this Chapter, the Inclusionary Housing Agreement shall specify preferences that shall be given as described in the Inclusionary Housing Guidelines, if any.

Section 1611

Percentage of Affordable Units.

All covered projects shall meet the percentage requirements for Inclusionary Units as specified in Section 1607. The percentage of Inclusionary units shall be calculated with a base number that excludes any bonus units added to the covered project under Section 1608.

Section 1612 **General Standards Requirements for Inclusionary Units.**

1. In addition to design requirements that may be specified in the Inclusionary Housing Guidelines, all covered projects must comply with the requirements set forth in subparagraphs (a) through (g) below:

(a) On-site Inclusionary Units shall be interspersed among market rate units.

(b) ~~In order to assure an adequate distribution of on-site Inclusionary Units by household size, the bedroom mix of Inclusionary Units in any project shall be in approximately the same ratio as the bedroom mix of the market rate units of the project, unless otherwise approved by the Easton Planning Commission. Bedroom~~ county comparability between the market rate units and affordable units shall be provided. The distribution of unit sizes by bedroom count in the market rate units must match that of the affordable units in the project.

(c) The following occupancy standards are required by bedroom count for each Affordable unit:

<u>Number of Bedrooms</u>	<u>Occupancy</u>
<u>Studio</u>	<u>1-2 Persons</u>
<u>1 Bedroom</u>	<u>1-2 Persons</u>
<u>2 Bedroom</u>	<u>2-4 Persons</u>
<u>3 Bedroom</u>	<u>3-6 Persons</u>
<u>4 Bedroom</u>	<u>5-8 Persons</u>

(d) On-site Inclusionary Units may differ from the market units in a covered project with regard to interior amenities and gross floor area; provided, that:

- 1) These differences, excluding differences related to size differentials, are not apparent in the general exterior appearance of the project's units; and
- 2) These differences do not include insulation, windows, heating systems, dishwashers, cooking facilities, laundry facilities, and other improvements related to the energy efficiency of the project's units;

- 3) Inclusionary Units shall have at a minimum builder grade finishes on the interior, including appliances, and a basic landscaping package similar to the package included with market-rate units; and
- 4) The gross floor area of the Inclusionary Units is not less than the following minimum requirements, unless otherwise recommended in the Inclusionary Housing Guidelines approved by the Easton Town Council.

NUMBER OF BEDROOMS	Minimum SIZE
Studios	600 square feet
One bedroom	850 square feet
Two bedrooms	1,100 square feet
Three bedrooms	1,300 square feet
Four bedrooms	1,500 square feet

(~~ed~~) The Inclusionary Units shall have the same amenities as the market rate units included within the development, such as access to and enjoyment of common open space, parking, storage, and other facilities in the residential development.

(e). Residential developments may choose to use the following alternative standards for the Inclusionary Units:

- 1) Unit size reductions, as long as the bedroom count comparability with the market rate units is maintained, and the minimum square footages as specified in Section 1612 are maintained;
- 2) Reduction by one in the number of bathrooms provided the number of bathrooms provided in market-rate units closely approximates the number of bedrooms;

Priority in the sale of on-site Inclusionary Units may be established by criteria specified in the Inclusionary Housing Guidelines;

(~~fg~~) Except for household income limitations as set forth herein, occupancy of any on-site Inclusionary Unit shall not be limited by any conditions that are not otherwise applicable to all units within the covered project; and

(~~gh~~) The final calculations for the number of on-site Inclusionary Units and the initial sales or rental price for these units shall be made prior to the issuance of building permits for the covered project.

Section 1613

For-Sale of Inclusionary Units.

1. The Developer (or designee) is responsible for the screening and qualification of the initial purchaser of a for-sale Inclusionary Unit. The Developer must provide 90 days advance written notice to the Town of Easton and the Easton Affordable Housing Board prior to the initial marketing of the Inclusionary Units for the calculation of the affordable housing cost, as adjusted to an Affordable Sales Price, pursuant to this Chapter and the Inclusionary Housing Guidelines. Final approval of qualified applicants is contingent on approval by the Easton Affordable Housing Board.
2. Every unit shall be first marketed to priority persons, as established by the Easton Affordable Housing Board, for 90 days from the initial marketing period. Following the priority marketing period, a unit may be offered for sale to the general public.
3. The Easton Affordable Housing Board shall establish guidelines for the calculation of the Affordable Sales Price for an Inclusionary Unit within a residential development and the calculation shall be updated yearly thereafter.
4. The purchaser of a for-sale Inclusionary Unit shall execute and consent to the affordability restrictions and other conditions at the settlement of the property. The property shall be sold subject to Covenants in a form approved by the Town Attorney.
5. The Inclusionary Unit shall be the purchaser's primary place of residence.

Section 1614 Rental of Inclusionary Units.

1. The developer, property owner, or property manager is responsible for verifying household income eligibility and for incorporating any applicable priority preference requirements for the selection of households into the screening process.
2. Every unit will be first marketed to priority persons, as established by the Easton Affordable Housing Board, for 90 days from the initial marketing period. Following the priority marketing period, a unit may be offered for sale to the general public.
3. The Easton Affordable Housing Board shall establish guidelines for the calculation of the Affordable Rental Rate for an Inclusionary Unit within a residential development and the calculation shall be updated yearly thereafter.
4. In situations where there are multiple affordability restrictions/income or rent limits set by different funding requirements, the residential development shall adhere to the strictest requirement so it can meet all of the layering restrictions.
5. The maximum Affordable Rental Rates shall be adjusted annually based on the most recently published Household Income Limits by the Easton Housing Affordability Board. The Board shall notify the property owner or property manager of the new rental rates. If the

owner chooses to raise rents, the tenant must be given at least a sixty (60) day notice before any rent increase and the opportunity to terminate the lease if the rental amount is unacceptable. This provision does not give the landlord the right to increase the rental amount if the lease provides otherwise.

6. Each residential development containing rental Inclusionary Units shall be subject to an annual compliance process, which shall be specified in the Inclusionary Housing Agreement.
7. Rental Inclusionary Unit tenants will be subject to the same conditions of tenancy as other tenants occupying the same property, except for the requirements provided by this Chapter and terms related to occupancy, income eligibility, annual recertification, limits on rents, and other terms that may be included in the Inclusionary Housing Guidelines.
8. The initial lease term for the rental Inclusionary Unit shall be for one year.

Section 1615 Marketing of Inclusionary Units.

Any applicant developing a covered project shall adhere to the following provisions with respect to the initial offering of Inclusionary Units for sale or rent:

1. The developer and owner shall be responsible for marketing, renting, and selling of all Inclusionary Units.
2. The developer and owner shall notify the Easton Affordable Housing Board and the Town of Easton of the prospective availability of any Inclusionary Units at the time that the building permit is issued for such units in a covered project.
3. The property owner or property manager shall post each vacant rental Inclusionary Unit as soon as possible but not later than ten (10) days after notice of an impending vacancy and provide advanced notice of the opening to the Easton Affordable Housing Board and the Town of Easton.
4. The developer and owner may assign its options under this section to a Qualified Housing Organization dedicated to the provision of Affordable~~Attainable~~ Housing, in which event it shall notify the Easton Affordable Housing Board and the Town of Easton of the organization to which it has assigned the option. The Qualified Housing Organization shall deal directly with the developer and owner. The Qualified Housing Organization and the organization's plan for the property shall be subject to approval by the Easton Affordable Housing Board.

Section 1616 Continued Affordability Requirements.

All covered projects shall comply with the following provisions to ensure continued affordability of Inclusionary Units provided under this Chapter and required to be continually affordable under Section 1606.

1. Continued Affordability Requirement. All inclusionary rental units shall remain affordable for a period of no less than ~~thirtynine~~thirty-nine (~~30~~39) years commencing from the date of initial occupancy of the units. Ownership residential Inclusionary Units shall remain affordable for a period of no less than ~~twenty~~twenty-three (~~20~~23) years commencing from the date of initial occupancy of the units. The ~~first proceeds from the~~ sale of an Ownership residential Inclusionary Unit are limited to, net of the selling costs, the amortization of the first mortgage principal and increase, if any, in the Affordable Resale Price linked to increases in the AMI and adjustments for prevailing 30-year fixed rate mortgage rates at the time of resale. With the sale of an Ownership Inclusionary Unit during the continued affordability period, a new resale restriction period shall be imposed.~~after the control period shall pay Fifty Percent (50%) of the net profits over the maximum resale price calculation and after permitted allowances to the Easton Affordable Housing Fund.~~
2. Deed Restrictions. Provisions to ensure continued affordability of Inclusionary Units shall be embodied in legally binding agreements, covenants, and/or deed restrictions, which shall be prepared by the developer, but which shall not be recorded or filed until reviewed and approved by the Town Attorney with such modifications as it may deem necessary to carry out the purpose of this article. Any adopted Inclusionary Housing Guidelines may include standard documents.
3. Purchase Option. Provisions for continued affordability of Inclusionary Units shall provide that the Easton Affordable Housing Board or its designee shall have an exclusive option to purchase any Inclusionary Unit when it is offered for resale. The purchase option shall be for a period of ninety (30) days from the date on which the Board is notified of the availability of the unit. The purchase price shall be calculated as per the appreciation allowances specified in the deed restrictions and the Inclusionary Housing Agreement.
4. Leasing/Subletting Restrictions. Provisions for continued affordability of Inclusionary Units shall prohibit subletting or leasing of the property. This provision may be waived by the Easton Affordable Housing Board in writing to allow a temporary rental of the Inclusionary Unit for good and sufficient cause under terms that may be specified in the Inclusionary Housing Guidelines.

Section 1617 Transfer of Development.

For all approved covered projects that transfer ownership of the approved development, the new owner or developer shall be subject to all sections of this Chapter.

Section 1618 Enforcement.

Violations of this article shall be punishable as provided by **Article X** of this Chapter.

Section 1619 Administration.

1. Approved site plans and/or record final subdivision plats shall identify the specific number and location of each type of unit, by bedroom count, which are to be regulated as Inclusionary Units and a tabulation that demonstrates that the number of units provided satisfies the number of required units.
2. Written documentation and/or plans demonstrating that the affordable housing units are in conformance with Section 1609.1(d) shall be provided to the Office of Permits and Inspections prior to building permit issuance for the Inclusionary Units.
3. The Easton Affordable Housing Board shall monitor activity under this article and shall provide a report no less than every two (2) years to the Town Council, setting forth its findings, conclusions and recommendations for changes that will render the program more effective. The report described above shall be presented to the Town Council at a public meeting.



TOWN OF EASTON

Planning & Zoning Department

STAFF MEMORANDUM

TO: EASTON PLANNING AND ZONING COMMISSION

FROM: LYNN B. THOMAS, JR., AICP
TOWN PLANNER

DATE: NOVEMBER 14, 2024

SUBJECT: PROPOSED ZONING CODE AMENDMENTS - ORDINANCE FORMAT

At your last meeting we finally made our way through the admittedly lengthy list of potential Zoning Code Amendments that we started discussing back in May. The attachment to this memorandum reflects my interpretation of the discussion relative to those potential amendments over the course of this time and presents them in proposed Ordinance format.

Clearly, we can further discuss any of the proposed amendments, but there are a couple in particular that, for various reasons, I would like you to pay particular attention to. These are:

- Item #5 - Restaurant Uses. My notes indicate that you were supportive of changing the minimum parking ratio from 1:100 to 1:200. Other than that, the only note I have says "Clean Up our definitions of restaurant types and tighten up parking waiver provisions." I have a feeling this might have made more sense when I made that note in May, but here in November, I am left scratching my head. My only observation today is that of our restaurant types (sit-down, fast food, carryout, and night club), I am not sure that it is necessary to maintain a distinction for a night club as it is primarily merely a sit-down restaurant that serves alcohol and provides entertainment. If a sit down restaurant obtains and adheres to the applicable liquor license and follows the recently enacted limits on outdoor music, is there really any reason to differentiate it from a sit down restaurant that does not serve alcohol or have entertainment?

- Item #4 - changes to the Visibility Triangle standards. I believe we skipped over this one in our month's long review, but as the Town Engineering Department recently forwarded you a recommendation to adopt the exact same provisions that I suggested back in May, I am hoping there is support for the proposal either as is, or with minimal changes.
- Items 16 through 21 - These were the items discussed at the October meeting and I was not present when they were addressed. I have reviewed the recording of that portion of the meeting and attempted to respond accordingly, but I may be off, particularly as a couple of them seemed to simply end after discussion, with no clear direction for specific action..

I would like to finalize these proposed revisions at this meeting and have the Commission vote to forward them to the Council with a recommendation for approval, either as is, or as may be revised one more time at this month's meeting. If there are substantial revisions, you may want to see them one last time before making such a recommendation. Otherwise, I would appreciate you approving them subject to final revisions at this month's meeting.

Zoning Code Amendments
Attachment 1

1. Amend Section 28-114 by adding the following definitions:

A. Shed - an accessory structure used to store items related to or used in connection with a residence, excluding portable storage units.

B. Swimming pool - any artificial structure, basin, chamber or tank, except a private spa, either above or below ground, which is used or intended to be used for the primary purpose of swimming, diving, wading or recreational bathing. A swimming pool includes all associated equipment, structures and facilities located within a common enclosure. A unit used in conjunction with the private practice of a physician or physical therapist is not a swimming pool.

C. Patio - an unenclosed horizontal structure with a surface height, at any point, no greater than two feet (2') above grade, intended for use as an outdoor amenity space.

2. Also , in conjunction with item 1 A above, revise Section 28-1007.1 6 to add a new supplemental standard (d) for sheds, as follows:

d. The maximum footprint of any detached garage or shed shall be the lesser of 10% of the lot area or 1,000 square feet.

3. **Revise the exceptions to acceptable tree species list found in Section 28-1014.3 B as follows:**

A. Species Selection: Acceptable plant species shall include most plant material native to the region (consult the Chesapeake Bay Native Plant Center for Guidance), or successfully introduced and available in the Mid-Atlantic region with the following exceptions:

1.	Pyrus calleryana 'Bradfordi'	Bradford Pear	Not Suitable in any location
2.	Ginkgo biloba (female)		Not Suitable in any location
3.	Ailanthus altissima	Tree of Heaven	Suitable as street trees only Not Suitable in any location
4.	Sorbus acuparia	Mountain Ash	Suitable as street trees only
5.	Acer rubrum 'October Glory'	Red Maple	Suitable as street trees only
6.	Hybrid Poplar		Limit to buffers, open spaces
7.	Lombardy Poplar		Not suitable in any location
8.	White Birch		Suitable as street trees only
9.	Morus alba	Mulberry	Not Suitable in any location
10.	Osage Orange		Suitable as street trees only

11. Black **and** Honey Locust(species only)

Not Suitable in any location

Not suitable in any location

4. Replace Section 28-1008 (Visibility at Intersections) with the a new and more context-sensitive set of standards, as follows:

SECTION 28 – 1008 VISIBILITY AT INTERSECTIONS

28 – 1008.1 PURPOSE

As an aid to the safe movement of vehicles at and near street intersections and in order to promote adequate protection of pedestrians, the following provisions shall apply to all corner lots. On all such lots, there shall be limitations on the height of fences, walls, gateways, ornamental structures, hedges, shrubbery and other fixtures, construction and plantings.

28 – 1008.2 STANDARDS

~~Such barriers to clear unobstructed visions at intersecting streets shall be limited to a height of not over three feet above the established elevation of the nearest curb, for a distance of forty (40) feet along both flowlines of curb, measured from the point of intersection of the projected flowline of curb of said intersecting flowlines. No natural plantings or construction shall be permitted at a height over three (3) feet within the isosecles triangle formed by connecting the ends of the respective forty (40) foot distances. The unobstructed view shall be maintained for all spaces between three (3) and ten (10) feet in height. When curb and gutter is not present, all measurements shall be from edge of pavement, or edge of gravel when pavement is not present.~~

~~Within the said triangle, and in cases where front yards are terraced, the ground elevation of such front yards shall not exceed three (3) feet above the established curb elevation at the said intersecting streets.~~

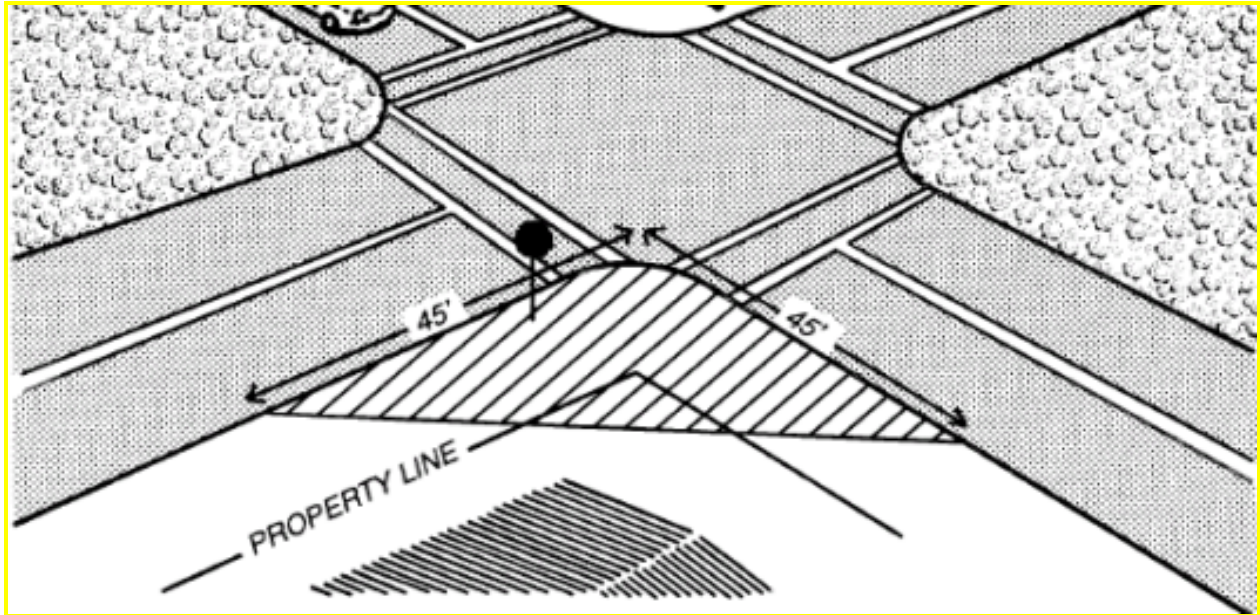
In the measured visibility triangle (see below), the following restrictions apply:

1. No structures can be placed except fences, walls or berms not higher than three (3') feet..
2. No motor vehicle trailer or other equipment is allowed to park, stand or stop.
3. No vegetation can be placed or allowed to grow higher than three feet except for one tree on the private property and two trees in the Town right-of-way with any tree having branches no lower than eight feet.

28-1008.3 VISIBILITY TRIANGLE DESCRIPTION AND DIAGRAMS

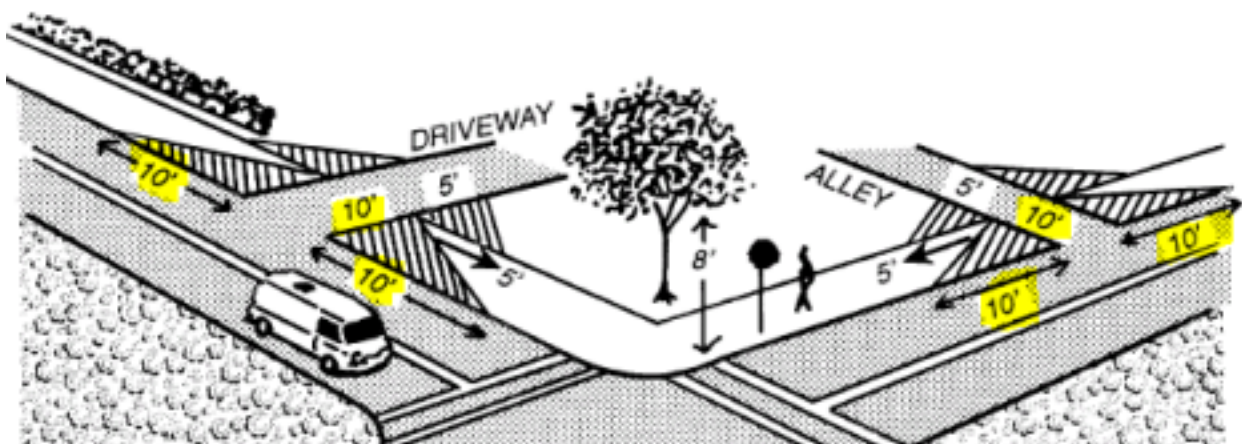
A. Street Intersection

The visibility triangle for a street intersection is a triangle with 45-foot sides, starting at the corner where two curb lines intersect and extending out away from this corner intersection, but still following curb lines.



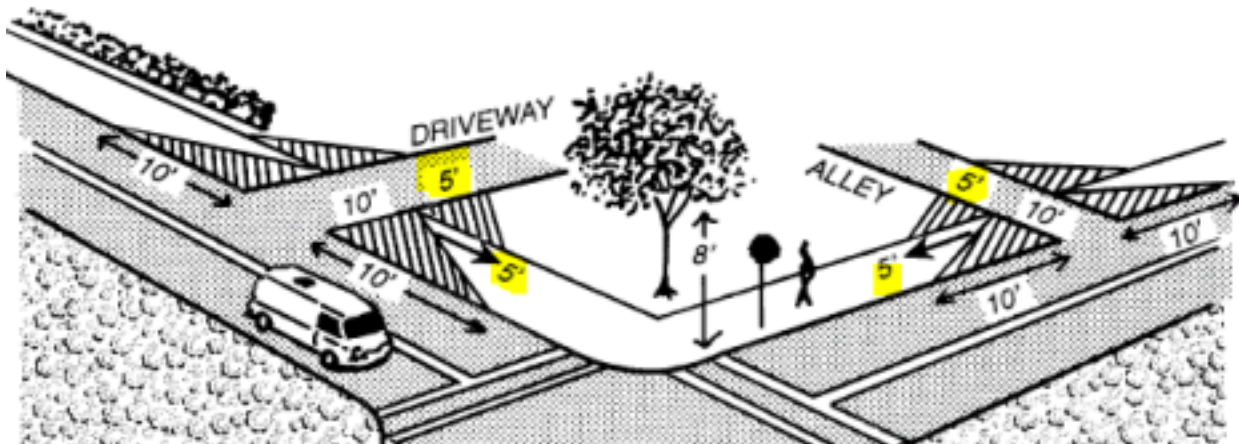
B. Intersection of Alleys or Driveways with Streets

The visibility triangle for intersections of alleys or driveways with streets is a triangle with ten foot sides extending from the intersection of the curb line but following the edge of the alley or driveway.



C. Intersection of Alleys or Driveways with Sidewalks

The visibility triangle for intersections of alleys or driveways with sidewalks is a triangle with five foot side extending from the intersection formed using the edge of the sidewalk furthest from the street and the edge of the alley or driveway.



5. Restaurant Uses...

6. Delete all occurrences of the term "Parking District" from the Code (other than appropriate use of "Residential Parking Districts").

7. Revise certain aspects of Section 28-1001 (Off-Street Parking Requirements) as follows:

A. Revise the Parking Requirements as established in the Table in Section 28-1001.3 A, as follows:

	Use/Activity	Minimum Vehicle Spaces	Maximum Vehicle Spaces	Minimum Bicycle Spaces	Notes
	Residential Buildings				
1	Single-Family Detached	2 per du	--	--	
2	Single-Family Attached	2 per du	--	--	Off-street parking areas may be grouped in bays, either adjacent to streets or in the interior of the lot. Off-street parking areas may not be located in the front yard.
3	Any Middle Housing Type (except single-family attached/Townhome)	0.75 per du	1.0 per du		

4	Multifamily	1 per du	2 per du	0.5 per du	
5	Retirement Community	1 per 3 du	1.5 per du	--	Plus 1 space for any facility vehicles and plus parking for any offices, community centers, etc., per schedule below
6	Nursing Home/Domiciliary Care	0.3 per room	1 per room	--	
	Lodging				

B. Caveat for Minimum Parking Requirements?

C. Revise the Parking Dimensional Requirements as established in Table 10.1, as follows:

Table 10.1

Angle	Minimum Stall Width (W)	Minimum Stall Length (L)	Minimum Aisle Width (Maneuvering Space) (A)
90°	9 feet	18 feet **	24 25 feet
60°	9 feet	18 feet **	18 feet one-way 22 feet two-way
45°	9 feet	18 feet **	16 feet one-way 22 feet two-way
30°	9 feet	18 feet **	14 feet one-way 22 feet two-way
Parallel	8 feet	22 feet	16 feet one-way 22 feet two-way

*** - Vehicle Overhang: Up to two (2) feet of vehicle overhang into any planter area is allowed provided the planter is a minimum of six feet wide, in this situation the minimum required depth of the parking stall may be reduced by up to two 2 feet When utilizing this option, curbing shall be utilized at the edge of the paved area, rather than wheel stops.*

8. Increase the length of time that a nonconforming use becomes abandoned unless said use is disrupted due to repair or remodeling, per the following revision to Section 28-1201 E:

E. Any non-conforming use, including the non-conforming use of a lot, parcel or structure that is discontinued or abandoned for a period of ~~six (6) months~~, **one (1) year**, shall not be resumed thereafter and any future use of lot, parcel, or structure shall

conform to the provisions of this Ordinance. Any structure that is moved for any reason for any distance by the owner, shall be required to conform to the regulations for the zoning district in which it is located after it is moved. In the case of any dispute as to whether a non-conforming use is abandoned or discontinued, the burden of proof shall be upon the property owner.

9. Make the following updates/corrections to the Zoning Map:

- a. Waterside Village is indicated as CG rather than PUD
- b. Parcel on Creamery and another on Wrightson behind the Seafood Market/Deli are both shown as CG but should have been changed to CB in 2021 Update.
- c. Elliott Road Apartment site is now PUD
- d. Gannon Range site is now PUD

10. Fix confusing/conflicting language in one of the MW Architectural standards found in Section 28-312.4.4, as follows:

The **Retail** uses on the ground floor shall be visible from and/or accessible to the street through the use of windows and doors on at least 50% of the length of the first floor street frontage. At least **50%** ~~or~~ **but not** more than 90% of the total surface area of the front elevation shall be in public entrances and windows (including retail display windows).

11. Update the reference in the MXW from the term LEED Bronze to LEED Certified, wherever it occurs.

12. Replace the term “Single-family attached” with the term “townhome.”

13. Revise the internal illumination standards for signs as found in Section 28-1101.55 4 d, as follows:

d. Internally illuminated signs are permitted in certain circumstances as follows:

- i. Individual backlit letters which are silhouetted against a softly illuminated wall;
- ii. Individual letters with translucent faces, containing soft lighting elements inside each letter **and/or the company's logo**; and
- iii. Metal **or** faced box signs with cut-out letters and soft-glow fluorescent tubes.

iv. Translucent panel signs that are non rectangular in shape.

14. Update the sign provision regarding fuel prices, as found in Section 28-1101.6 H per the following:

H. Signs affixed to the top or sides of an operable fuel dispensing pump ~~shall not exceed three (3) square feet in area,~~ per the standards of MD Code Business Regulation Section 10-315, provided such sign and shall only display instructional or price information, and shall not include advertising copy pertaining to any product, sale or promotion.

15. Add provisions to allow for Donation Centers (in addition to the Donation Bins currently permitted) as follows:

A. Define Donation Centers in Section 28-114 as:

Donation Center – A variation of a Donation Bin that is larger, equipped with lights and monitored via security camera 24 hours per day, seven days per week.

B. Revise the Supplemental Standards for Donation Bins (section 28-1007.4 A 3) as follows:

a. No person or other legal entity shall place or maintain any Donation Bin on the premises open to the public except when issued a permit by the Building Inspection Division in accordance with this section.

b. All Donation Bins shall be appropriately located so as not to interfere with sight triangles, on-site circulation, required setbacks, landscaping, parking and any other requirements that have been imposed as part of the site plan approval for the property, and shall be placed on a concrete or paved surface.

c. The Donation Bin shall be of a type that is enclosed by use of a receiving door and locked so that the contents of the bin may not be accessed by anyone other than those responsible for the retrieval of the contents.

d. The Donation Bin shall not cover a ground surface area in excess of thirty-one (31) square feet, nor be more than seven (7) feet in height.

e. Donation Bins must be maintained and kept in good repair. The Donation Bins area shall be maintained in a safe, orderly condition. Donation bins shall have no rust, peeling paint or graffiti. The areas around the Donation Bin must be kept clean

and free of garbage and debris on the premises where the Donation Bin is located. Each Donation Bin shall be regularly emptied of its contents so that it does not overflow.

f. There shall be no more than two Donation Bins per property.

g. A permit for a Donation Bin shall be required. The permit shall be issued by the Building Inspection Division, but can only be granted in compliance with the following:

- i. The Donation Bin is owned by a duly registered organization in good standing in the State of Maryland. The applicant shall submit a statement of declaration of whether the organization is “for profit” or “not for profit”. A “not for profit” must submit proof of the organization’s 501 c (3) designation and a “for profit” must submit proof of the organization’s tax ID as well as name and address of the owner;
- ii. Each duly registered non profit organization shall be permitted to have a maximum of eight (8) Donation Bins within the Town of Easton;
- iii. The type, size and location of the Donation Bin comply with this subsection;
- iv. The applicant submits a letter of authority/permission from the property owners upon which the Donation Bin is proposed to be located;
- v. The name, address and telephone number of the organization is displayed on each Donation Bin;
- vi. The general use of any donations or funds raised from the sale of the donations are displayed on each Donation Bin. If the organization is “for profit” the Donation Bin shall be labeled “For Profit” and “Not tax Deductible”; and
- vii. All information required to be displayed on the Donation Bin shall be in lettering not smaller than one and a half (1.5) inches tall and must be in contrasting color with the background.

h. Applications for donation bins shall include contact information for the individual or organization responsible for addressing any maintenance issues.

C. Add Supplemental Standards for the newly created use, Donation Centers as Section 28-1007.4 A 4 (and renumber subsequent sections) as follows:

4. Donation Centers

a. Except as hereby modified, Donation Centers shall comply with all Supplemental Standards applicable to Donation Bins.

b. Donation Centers shall not cover a ground surface area in excess of one hundred sixty (160) square feet, nor be more than eight (8) feet in height, exclusive of

equipment installed on top of the Donation Center.

c. The Donation Center shall be equipped with lights to provide a safe environment for any citizen who wishes to donate items after dark.

d. The Donation Center shall be equipped and maintained in working condition with 24/7 video monitoring.

e. The Donation Center shall be attended and/or serviced by the organization operating the Donation Center at least three times per week.

f. The Donation Center may not occupy more than four off-street parking spaces.

g. Donation Centers shall be placed on the property of vacant businesses or the parking area of businesses with a clearly demonstrable excess of parking. Such Centers may also be located outside of parking lots on such sites. In either case, such Centers shall be located so as to not interfere with traffic and circulation of the establishment.

h. Donation Centers established at the site of vacant businesses shall cease to operate at said site within 30 days of the Application of a Use and Occupancy permit for the property, unless the new business owner agrees to the continuation of the Donation Center and can demonstrate that the locational criteria specified in item g above will continue to be satisfied.

i. There shall be no more than one (1) Donation Center within a one (1) mile radius.

j. Any given property may have one (1) Donation Center or two (2) Donation Bins.

D. Amend the Table of Permissible Uses to add new use 604 (and renumber subsequent uses), Donation Center*, and specify that it is a use permitted via Special Exception in the CB, CG, CL, BC, and I Zoning Districts and prohibited in all remaining Zoning Districts.

16. Clarify acceptable driveway/parking materials by revising Section 28-1001.2 E., as follows:

E. All off-street parking facilities shall be constructed of dust-free materials, have a surface resistant to erosion, drained so as to prevent damage to abutting properties or public streets, and maintained properly by the owner. Dust free material shall include concrete or bituminous surface.

Semi-pervious materials, such as permeable pavers, porous asphalt, porous concrete, grass-crete, or gravel-crete may be used for:

- residential driveways
- vehicle storage areas
- designated employee parking areas
- parking spaces provided in excess of the maximum parking requirement (subject to an approved Parking waiver).
- Any other parking or maneuvering space may utilize semi-pervious materials subject to Planning Commission approval.

All off-street parking areas shall be constructed in accordance with the construction specifications as may be developed and maintained by the Town Engineer. Surfaces in areas designated as accessible parking and/or accessible pedestrian paths shall meet all applicable federal and State of Maryland standards.

17. Loosen up the Restrictions on Mobile Food Uses, somewhat, via the following changes:

- A. Amend the Table of Permissible Uses to indicate that in addition to the current standards, Mobile Food Uses are permitted by Right (P), subject to Supplemental Standards, in the CG Zoning District.
- B. Amend the Supplemental Standards for Mobile Food Uses (Section 1007.4 A 4) as follows:

4. Mobile Food Uses

- a. These regulations shall apply only to mobile food uses located on private property. Mobile food uses operated on public property (e.g. streets or sidewalks) are regulated elsewhere in Chapter 19 of the Easton Town Code.
- b. Mobile food uses shall comply with all applicable health codes and operators shall provide proof of health department approval upon application for a Temporary Use.
- c. Mobile food uses shall operate in association with another approved Temporary Use (e.g. a Special Event, Carnival, etc...). An exception to this standard shall be mobile food uses that are primarily intended to serve work crews at active construction sites.
- d. Mobile food uses approved in conjunction with a Special Event shall not remain at any one location for more than two (2) days more than the duration of the Special Event (or other permitted Temporary Use) with

which it is associated. The two (2) additional days are provided to allow for set-up and take-down of the mobile food unit, not for additional days of operation.

- e. Mobile Food Uses intended to be established permanently or long-term (greater than 30 days) shall require Planning Commission review and approval. Any such request shall include a site plan indicating the proposed location of the mobile food use, a picture or sketch which accurately depicts the appearance of the proposed structure, a statement indicating the expected impact of the proposed addition in terms of parking (including the expected additional demand and the existing and proposed supply), neighborhood impacts (e.g. traffic, noise, odor, lighting, etc.), and any other such information which the Town Planner reasonably determines would be necessary for the Planning and Zoning Commission to reach an informed conclusion as to the merits and impacts of the proposed addition.

- C. Revise Section 28-501C 6 to delete the requirement that Mobile Food Uses established in the Planned Redevelopment Overlay District must have an ownership and business use connection to the property on which it is located, per:
 - 6. Requests to operate a Mobile Food Use on a longer-term basis than otherwise permitted (i.e., as a Temporary Use) may be considered and approved by the Planning and Zoning Commission. ~~Such requests shall only be permitted if the proposed use (i) is owned, operated or controlled by the entity that is entitled to the otherwise lawfully permitted use of the property where the mobile food use is located; and (ii) is operated as an expansion of or complement to a business operating an otherwise lawfully permitted use on said property.~~ Any such request shall be made to the Planning and Zoning Commission and include a site plan indicating the proposed location of the mobile food use, a picture or sketch which accurately depicts the appearance of the proposed structure, a statement indicating the expected impact of the proposed addition in terms of parking (including the expected additional demand and the existing and proposed supply), neighborhood impacts (e.g. traffic, noise, odor, lighting, etc.), and any other such information which the Town Planner reasonably determines would be necessary for the Planning and Zoning Commission to reach an informed conclusion as to the merits and impacts of the proposed addition.
- 18. Expand the options available for single family detached and duplex units to satisfy their off-street parking requirements by modifying Section 28-1001.2 J, as follows:

J. Single-family and duplex units may satisfy their off-street parking requirements utilizing any combination of the following options:

- (1) A driveway ten (10) feet wide and thirty-five (35) feet long shall be deemed sufficient parking space, for single family or each unit in a duplex.
- (2) Space within a structure (e.g., a garage or carport) may be used towards the satisfaction of the parking requirement provided that a parking apron that is at least as wide as the structure and extends a minimum of 20' away from the structure, is constructed immediately adjacent to said structure.
- (3) A parking pad of at least 9' x 18' per space is provided on-site.
- (4) Any other arrangement deemed acceptable by the Planning Commission and requested and approved by the applicant at the time of Site Plan or Subdivision approval.

19. Clarify the intent of Section 28-1001. 2 D that generally prohibits off-street parking which requires cars to back onto a public street, to indicate that it is based on the street type rather than the use, as follows:

D. All off-street parking spaces, ~~other than for a single family or duplex dwelling~~, which requires vehicles to back into a public road, street or highway, other than a residential street (as classified by the Easton Subdivision Regulations) are prohibited.

20. Clarify that the exceptions to setback requirements are not permitted when such an exception would also permit an intrusion upon an easement by adding prefatory language to Section 28-1006, per:

SECTION 28 – 1006 OTHER EXCEPTIONS TO SETBACK REQUIREMENTS

Provided they do not encroach upon any recorded easements, the following features may project into required setbacks as hereinafter set forth.

21. Re-establish a required plat note that was inadvertently deleted from the most recently adopted Subdivision Regulations by adding the following provision to Section 409 (e) (1) of the Subdivision Regulations:

j. A UTILITIES DISTRIBUTION RIGHT-OF-WAY AND EASEMENT IS HEREBY DEDICATED TO THE TOWN OF EASTON IN AND OVER STRIPS OF LAND TEN (10)

FEET IN WIDTH ALONG THOSE BOUNDARY LINES CONTIGUOUS TO ANY STREET OR ALLEY AND FIVE (5) FEET IN WIDTH ON EACH SIDE OF SIDE LOT LINES.

Town of Easton Naming Policy

Purpose:

The purpose of this policy is to establish a set of standard procedures and guidelines for the naming or renaming of Town amenities, buildings, parks, streets, and facilities owned and/or operated by the Town of Easton. This policy can be used to recognize significant contributions that individuals and groups have made to the citizens of the Town of Easton. It provides direction on how to apply for approval to name or dedicate municipal buildings, parks, streets and facilities within the Town of Easton.

This Policy does not apply to:

- Non-Town facilities

Definitions:

Municipal property and buildings – shall mean all real property including unimproved lands, buildings and structures owned by the Town including but not limited to dedicated parkland, open space, recreational facilities, bridges, operations facilities and administrative office buildings.

Park Elements – shall mean substantial structures or recreational aspects of a park such as trails, ball diamonds, gardens, playgrounds, washrooms and water elements.

Criteria:

The Town will choose names for public buildings and property owned by the Town of Easton based on the building or property's relationship to any of the following criteria:

- A. Neighborhood, geographic or common usage identification.
- B. Building or property's purpose.
- C. A natural or geological feature.
- D. A historical figure or place.
- E. An individual, living or deceased, who has made a significant contribution to the Town for the building, street or property being named.
- F. An individual, living or deceased, who has contributed outstanding civic service to the Town and/or who provided an exceptional service in the interest of the park system as a whole or for the community as a whole.

G. Naming should not conflict with grant funding policies established by local, private, state and/or federal grant funding programs.

Exclusions:

- Naming associations with smoking or vaping products, alcohol, contraceptives, religious organizations, political candidates, or partisan organizations.
- Individual naming dedications made to a person to celebrate a special occasion such as a birth, a marriage, an anniversary, an accomplishment; or a major landmark event such as a retirement or happenings.

Procedure:

- A. A resident, individual, or organization shall submit an application to the Town Clerk for consideration and initial review. The Town Clerk shall seek appropriate staff review at their discretion. The request should include a) Background information concerning the rationale for consideration of the request; b) Biographical information if named after an organization (or an individual); and, c) Documentation including letters from organizations and individuals providing substantial support for the request. The applicant(s) is responsible for securing consensus within the community with respect to the application.
- B. When naming after a person or persons, written documentation of approval by next of kin to be honored (if available/possible) is required as part of the proposal.
- C. If the Application relates to a Town park, the Parks and Recreation Board shall review the application and make a recommendation to the Town Council. The Parks and Recreation Board shall host a public hearing to provide an opportunity for public comment on name recommendations.
- D. If the application relates to a Town-owned building or street the issue shall be referred to the Town's Planning Commission to make a recommendation to the Town Council. The Planning Commission shall host a public hearing to provide an opportunity for public comment on name recommendations.
- E. If the Application is for a public street, property owners and/or residents who reside within 300 feet of the street, or who live on the street, will receive notification by mail of the Town Council meetings at which the request is to be considered.
- F. The Town Council will confirm the naming or renaming of a Town-owned facility by resolution.
- G. Facilities shall be identified by the established name, and signs shall be maintained as a source of identity and civic pride.

H. The Town Council shall have final approval and the absolute discretion to grant or deny a request for any reason or no reason.

I. All requests will be looked at by the Easton Volunteer Fire Department and the Easton Police Department for emergency response situations.

Name Changes:

A. Designation of a name shall not prohibit the renaming of the building or property at a future date, or the designation of a sunset for the name at the time of approval.

B. Name changes shall be subject to the criteria and procedures set forth in this policy.

*The Town believes that names should not change unless it is an exceptional situation and it can be proven that the majority of the local community is in support of the change. Each application for re-naming will be examined on a case by case basis.

Adapted from Policies and Procedures from Olympia, Washington, San Diego, CA, London, Ontario and Wilton Manors, Florida



TOWN OF EASTON

Planning & Zoning Department

STAFF MEMORANDUM

TO: EASTON PLANNING AND ZONING COMMISSION

FROM: LYNN B. THOMAS, JR., AICP
TOWN PLANNER

DATE: NOVEMBER 14, 2024

SUBJECT: DRAFT COMPREHENSIVE PLAN CHAPTERS

This memorandum is sent as a follow-up to my email of October 24, 2024, to which I attached DRAFT Comprehensive Plan Chapters or Elements. For your November meeting, I would simply like to establish a schedule for completing your review of the second set of chapters that were included with that email. As I recall, this second batch was comprised of six chapters, including the one brand new one for this Plan (Sustainability).

Just as a starting point for discussion, I will throw out the idea of taking three meetings to accomplish this task, discussing/reviewing two chapters at each meeting. I know it is hard to resist bringing up each and every question or comment you may have as you read through the Draft, but if we can limit the scope of the discussion to primarily “Big Picture” issues (e.g., major policy discussions, proposed Goals and Objectives, etc...), I think we can get through this exercise in 3 meetings. Perhaps even 2. Your editorial/grammatical comments are always welcome and appreciated, but we do not need to raise them in a full Commission meeting. Rather, please just send them directly to me via email, or leave me copies of your handwritten notes. Unless your writing is as bad as mine, I can work with either and will appreciate the extra eyes looking at what has been drafted.

I know this is a terrible time to contemplate special meetings, but I would like to clear this hurdle before the end of the year. My goal is to simultaneously be working on the remaining five chapters (two of which I have now completed a DRAFT of) so that I can present them to you in

this same year-end timeframe with the goal of reviewing these final five chapters in January. If we can accomplish that, we would be on track for holding your Public Hearing in March or April (due to the required 60 Day Public Notice).

Please bring your calendars with you next week so we can (hopefully) identify opportunities for Special Meetings. We can also possibly have one of the review sessions at your December 19th Regular Meeting, depending on the rest of the agenda, which we should have a better sense of when we meet on 11/21.